

# FEDERAL REGISTER

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Washington, Tuesday, December 5, 1944

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter X—War Food Administration (Production Orders)

[WFO 9-13, Revocation]

#### PART 1220—FEED

##### DELIVERIES OF PROTEIN MEAL IN TEXAS, OKLAHOMA AND NEW MEXICO

War Food Order No. 9-13 (9 F.R. 9711, 11732) is hereby revoked, effective at 12:01 a. m., e. w. t., December 2, 1944. However, with respect to violations of said War Food Order No. 9-13, or rights accrued, or liabilities incurred thereunder, prior to this revocation, said War Food Order No. 9-13 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747, 10926, 13800)

Issued this 29th day of November 1944.

J. B. HUTSON,  
Director of Production.

[F. R. Doc. 44-18307; Filed, Dec. 2, 1944;  
11:14 a. m.]

[WFO 9-18]

#### PART 1220—FEED

##### SET ASIDE REQUIREMENTS FOR PROCESSORS OF OILSEED FOR JANUARY, 1945

Pursuant to the authority vested in me by War Food Order No. 9 (8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747, 10926, 13800), issued on December 18, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that:

§ 1220.21 *Set aside requirements for processors of oil seed for January 1945—*  
(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him during the month

of January the following percentages of his January production of oilseed meal, cake and pellets:

(1) 15 percent of the cottonseed meal, cake and pellets produced in all plants east of the Mississippi river except those plants located in Lake, Dyer, Lauderdale, Tipton and Shelby counties, Tennessee, and Tunica, Quitman, Coahoma, Bolivar, Tallahatchie, Sunflower, Leflore, Humphreys and Washington counties, Mississippi;

(2) 20 percent of the cottonseed meal, cake and pellets produced in all plants west of the Mississippi river and in Lake, Dyer, Lauderdale, Tipton and Shelby counties, Tennessee, and Tunica, Quitman, Coahoma, Bolivar, Tallahatchie, Sunflower, Leflore, Humphreys and Washington counties, Mississippi.

(3) 15 percent of all soybean meal and pellets;

(4) 15 percent of all peanut meal;

(5) 20 percent of all linseed meal and pellets.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to a buyer named in a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located or by the Chief of the Feed Management Branch, Office of Production, War Food Administration. The certificate shall be in substantially the following form:

No. \_\_\_\_\_ Date Issued \_\_\_\_\_, 194\_\_  
State and County Code \_\_\_\_\_  
and Order Number \_\_\_\_\_

#### CERTIFICATE OF DESIGNATED BUYER

\_\_\_\_\_ is authorized to  
(Name and address)  
purchase and accept delivery of \_\_\_\_\_ (tons—  
pounds) of \_\_\_\_\_ oilseed  
(Kind) (Meal, Cake or Pellet)  
from amounts set aside by \_\_\_\_\_  
(Name of Processor)  
of \_\_\_\_\_ to be  
(Address of Processor)  
ordered through \_\_\_\_\_  
(Name, Address of Jobber)  
pursuant to the order of the Director of  
Production. (If, for any reason, delivery of  
oilseed meal cannot be made, this certificate  
shall be returned by the processor to the Issu-  
ing Agricultural Conservation Committee  
with the reasons why delivery was not made).

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#### NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.
- Book 7: Titles 33-45, with index.
- Book 8: Title 46, with index.

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#### Office of Production.

(Agricultural Conservation Committee)

of \_\_\_\_\_  
(Address)

By \_\_\_\_\_  
(Chairman or designated member)

J. B. Hutson, Director  
Expiration Date \_\_\_\_\_

(2) Shipment of any oilseed meal, set aside pursuant to this order must be made by a processor within twelve days of the receipt of any such certificate.

(3) The original and the processor's copy of appropriately executed certificates shall be sent by the person responsible for their issuance directly to the processor and a copy shall be sent to the designated buyer. The designated buyer and the processor shall arrange

the details of transfer of materials designated on the certificate using such intermediary parties as the processor may designate. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (d) (2).

(4) No processor shall be required to honor a Certificate of Designated Buyer for oilseed meal set aside pursuant to this order unless the designated buyer furnishes the processor or his agent with shipping instructions before midnight of the expiration date shown on the certificate. If a processor elects not to honor a Certificate of Designated Buyer pursuant to this paragraph, he shall return such certificate to the issuing officer and he may dispose of the oilseed meal covered by such certificate free from the restrictions of this order. The expiration date for any Certificate of Designated Buyer issued under this order shall be not later than January 15, 1945, unless a later date (but in no event later than January 20, 1945) is authorized by the Chief of the Feed Management Branch, Office of Production, War Food Administration. No processor, however, shall be required to honor any certificate bearing an expiration date later than January 15, 1945, unless required to do so by notice from the Chief of the Food Management Branch received before midnight of that date. In such case, the processor will be required to honor Certificates of Designated Buyers bearing expiration dates later than January 15, 1945, but not later than January 20, 1945. Any oilseed meal set aside pursuant to this order for which the processor has received no certificate before midnight of January 15, 1945 (or later, but not later than January 20, 1945, if the notice provided for herein is received from the Chief of the Feed Management Branch), may be disposed of by the processor free from the restrictions of this order: *Provided, however*, That the provisions of this paragraph shall not apply to oilseed meal required to be set aside by this order which has not heretofore been reported to the Director.

(c) *Existing contracts.* If this order makes it impossible for a processor to fill all of his contracts for the delivery of oilseed meal, which are in existence on the date of the issuance of this order, he shall not, by reason of this order, refuse to make delivery of a greater percentage of any oilseed meal covered by such contracts than that percentage which he is required to set aside under paragraph (a) of this order.

(d) *Processor's reports.*—(1) *Report of estimated January production, set aside tonnage, and intended distribution.* Each processor subject to this order shall file a report with the Director on FPA Form 3 not later than December 15, 1944, for each plant operated by him.

(2) *Report of January tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than February 10, 1945, for each plant operated by him. Certificates of Designated Buyers, pursuant to which oilseed meal has been delivered, shall be

attached to and made a part of FPA Form 2.

(e) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue Certificates of Designated Buyers unless authorized to do so by its State Agricultural Conservation Committee.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Production, War Food Administration, Washington 25, D. C., Ref.: WFO 9-18.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Forms printed in the *FEDERAL REGISTER* are for information only and do not follow the exact format prescribed by the issuing agency.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747, 10926, 13600)

Issued this 4th day of December 1944.

D. A. FITZGERALD,  
Acting Director of Production.

[F. R. Doc. 44-18365; Filed, Dec. 4, 1944;  
12:02 p. m.]

## Chapter XI—War Food Administration (Distribution Orders)

[WFO 119]

### PART 1414—POULTRY

#### POULTRY AND PROCESSED POULTRY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of poultry and processed poultry for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.6 *Restrictions with respect to poultry and processed poultry.*—(a) *Definitions.* (1) "Poultry" means live chickens, other than baby chicks not over three weeks old, grown or located in a poultry area, without regard to the age, weight, or sex of the chickens: *Provided*, That any shipment of live chickens passing through a poultry area is not included as "poultry" if (i) such shipment of live chickens did not originate in a poultry area, (ii) the final destination of such shipment is not a point in a poultry area, and (iii) the live chickens in such shipment are not removed, during the period of the shipment through a poultry area or poultry areas, from the coop or container in which the live chickens are being shipped.

(2) "Processed poultry" means poultry which has been killed and bled; and such term "processed poultry" includes, but is not limited to, poultry which has also been plucked, dressed, cut up, or frozen, or any combination of such acts of processing.

(3) "Person" means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

(4) "Authorized poultry buyer" means any person other than an authorized processor who holds authorization from the Director to purchase, contract to purchase, and accept delivery of poultry for resale and delivery to an authorized processor.

(5) "Local poultry buyer" means a person who purchases poultry from producers and who offers it for resale to an authorized poultry buyer or an authorized processor without transporting the poultry from the point at which the poultry was purchased.

(6) "Authorized receiver" means any person who holds a letter of authority issued to him by the Order Administrator to receive processed poultry set aside pursuant to the provisions hereof.

(7) "Authorized processor" means any person who holds a letter of authority issued to him by the Order Administrator to receive and process poultry to be set aside pursuant to the provisions hereof.

(8) "Cold storage" means space equipped to be artificially cooled to a temperature of 10 degrees above zero "Fahrenheit," or below, and in which food commodities are customarily stored (but not operated as a part of an established retail food business, hotel, or other establishment where persons are housed or fed, and not including a refrigerator storage compartment, usually called a locker, having a capacity of not more than 15 cubic feet).

(9) "Director" means the Director of Distribution, War Food Administration.

(10) "Order Administrator" means the person designated by the Director to serve as Order Administrator pursuant to the provisions hereof.

(11) "Deputy Order Administrator" means the person designated by the Director to serve in a poultry area pursuant to the provisions hereof.

(12) "Poultry area" means any of the following areas: (i) the State of Delaware; and Cecil, Kent, Queen Anne's, Caroline, Dorchester, Wicomico, Talbot, Worcester, and Somerset Counties in Maryland; and Accomac and Northampton Counties in Virginia; (ii) Augusta, Rockingham, Page, Shenandoah, and Frederick Counties in Virginia; and Hardy, Pendleton, Grant, and Hampshire Counties in West Virginia; and (iii) any other area which the Director may, from time to time, designate.

(13) "Government agency" means (i) the armed forces of the United States (excluding, for the purpose of this order, United States Army post exchanges, sales commissaries, United States Navy ships' service departments, and the United States Marine Corps post exchanges); (ii) the War Food Administration (including, but not being restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator.

(14) "United States Army Quartermaster Market Center" means (i) with respect to poultry purchased in Dela-

ware; and Cecil, Kent, Queen Annes, Caroline, Dorchester, Wicomico, Talbot, Worcester, and Somerset Counties in Maryland; and Accomac and Northampton Counties in Virginia, Attention: The Officer in Charge, U. S. Army Quartermaster Buying Office, Richardson Hotel, Dover, Delaware; (ii) with respect to poultry purchased in Augusta, Rockingham, Page, Shenandoah, and Frederick Counties in Virginia; and Hardy, Pendleton, Grant, and Hampshire Counties in West Virginia, Attention: The Officer in Charge, U. S. Army Quartermaster Market Center, North Boulevard and Kelly Road, Richmond, Virginia; and (iii) any other Officer in Charge of any other U. S. Army Quartermaster Market Center which the Director from time to time may designate.

(b) *Restrictions.* (1) No person shall sell, contract to sell, use, give, process, or deliver poultry or processed poultry to any other person except as specified herein or as authorized by the Director. Any such authorization shall be issued by the Director only if he determines that such authorization is necessary or appropriate in the public interest and to promote the national defense.

(2) No person other than an authorized processor shall process poultry.

(3) No person shall sell, contract to sell, give, or deliver poultry except to (i) an authorized processor, (ii) an authorized poultry buyer, or (iii) a local poultry buyer. No person shall purchase, contract to purchase, or accept delivery of poultry except (i) an authorized processor, (ii) an authorized poultry buyer, or (iii) a local poultry buyer. No person shall remove poultry from a poultry area except for delivery to an authorized processor pursuant to a previously entered into contract of sale.

(4) No authorized processor shall process or grade poultry except in accordance with the specifications of the U. S. Army Veterinary Corps, and no authorized processor shall pack processed poultry except in accordance with the specifications of the U. S. Army Quartermaster Market Center. Specifications with reference to processing, grading, and packing, or instructions with reference to such specifications will be provided by the U. S. Army Quartermaster Market Center.

(5) All processed poultry must be set aside and held by an authorized processor or an authorized receiver until it is (i) purchased or rejected by a U. S. Army Quartermaster Market Center, (ii) released by a U. S. Army Quartermaster Market Center for sale to another Government Agency, (iii) delivered to a cold storage, (iv) sold to an authorized receiver, or (v) released by the Director. Each shipment or delivery of processed poultry to an authorized receiver or cold storage shall be accompanied by a certificate, in triplicate, filled out by the processor in substantially the following language (with the appropriate information inserted in the blank spaces):

This is to certify that \_\_\_\_ pounds of processed poultry hereby delivered is processed poultry set aside pursuant to the provisions of War Food Order No. 119 issued by the War Food Administrator on December

1, 1944 and you are required, pursuant to the provisions of said order, to set aside and hold said processed poultry in accordance with the provisions of said order.

(Signature of authorized processor)

This will acknowledge receipt of the above indicated quantity of processed poultry set aside pursuant to War Food Order No. 119.

(Signature of authorized receiver or cold storage owner or operator)

The aforesaid certificate shall be signed in triplicate by the person who accepts delivery, as aforesaid, of the processed poultry, and such person shall return the original to the authorized processor, one copy to the designated U. S. Army Quartermaster Market Center, and shall retain the third copy for two years.

(6) No person shall accept delivery of processed poultry except as provided in (b) (5) hereof.

(7) The owner or operator of cold storage, wherein processed poultry is set aside, may permit the removal of processed poultry only if he obtains a certificate from the owner of such processed poultry stating that (i) the processed poultry has been purchased or rejected by the U. S. Army Quartermaster Market Center, (ii) such processed poultry has been sold to a governmental agency pursuant to (b) (5) (ii) hereof, or (iii) the processed poultry has been released by the Director.

(8) An authorized poultry buyer or his agent or an authorized processor or his agent shall, at any time when engaged in purchasing or transporting poultry, exhibit evidence of authorization, as an authorized poultry buyer or processor, on demand by a seller of poultry or a representative of the War Food Administration, the Office of Defense Transportation, the Office of Price Administration, or the armed services of the United States.

(9) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center or the U. S. Army Veterinary Corps, make all processed poultry in such cold storage, set aside or required to be set aside hereunder, available for inspection.

(10) In the event of the suspension or termination of the provisions of (b) (1) to (b) (9) hereof, all processed poultry set aside pursuant to said provisions at the time of the suspension or termination hereof shall continue to be held as set aside processed poultry, and may be sold or disposed of only to the U. S. Army Quartermaster Market Center: *Provided*, That a lot of processed poultry set aside as aforesaid, may, upon the rejection of the U. S. Army Quartermaster Market Center with respect to such processed poultry, be sold or disposed of elsewhere.

(c) *Authorizations.* (1) Any person who desires to receive and process poultry may file with the Order Administrator an application by letter or by telegram followed by a letter of confirmation. The application shall contain (i) a statement that the applicant has read War Food Order No. 119, (ii) a statement of the location of each plant where he

is to process poultry pursuant to the provisions hereof, (iii) a representation that all poultry and processed poultry will be handled in accordance with the provisions of this order, and (iv) a statement that the plant is on the approved list of U. S. Army Veterinary Corps. Thereupon the Order Administrator may issue to such applicant a letter of authorization to process poultry if he determines that such authorization is appropriate to effectuate the provisions hereof.

(2) Any person who desires to act as an authorized receiver for processed poultry under this order may file with the Order Administrator an application by letter or by telegram followed by letter of confirmation. The application should contain (i) a statement that the applicant has read War Food Order No. 119, (ii) a statement of the business address of the receiver, (iii) a representation that all processed poultry will be handled in accordance with the provisions of this order, and (iv) a statement that the facilities operated by this receiver are on the approved list of the U. S. Army Veterinary Corps. Thereupon the Order Administrator may issue to such applicant a letter of authorization if he determines that such authorization is appropriate to effectuate the provisions hereof.

(3) Any person who desires to act as an authorized poultry buyer under this order may file an application with the Order Administrator or Deputy Order Administrator. The application should contain (i) a statement that applicant has read War Food Order No. 119, (ii) a statement showing applicant's business address, and (iii) a representation that all poultry will be handled by the applicant in accordance with the provisions of this order. The Order Administrator or Deputy Order Administrator may issue a letter of authorization if he determines such authorization is appropriate to effectuate the provisions hereof.

(d) *Exemption.* (1) Any person may submit an application to the Director for permission to slaughter not more than 50 head of poultry per week for sale or consumption in the respective poultry area. The Director shall, if he determines that the approval of such application is necessary in order to effectuate the purposes of this order, authorize such slaughter.

(2) The provisions of this order shall not apply to poultry used for home consumption by the owner of the poultry.

(3) Whenever processed poultry has been offered for sale to the U. S. Army Quartermaster Market Center and has been rejected by such U. S. Army Quartermaster Market Center, such processed poultry is exempted from the provisions of this order.

(4) The Director may, notwithstanding the provisions hereof, release any poultry or processed poultry from the restrictions of this order whenever he determines that such release is necessary or appropriate in the public interest and to promote the national defense.

(e) *Records and reports.* (1) Each authorized processor shall notify the designated U. S. Army Quartermaster Market Center at least 72 hours prior to the

time when, and the place where, such processed poultry will be available for inspection. The notice shall show to whom payment is to be made if the processed poultry is sold to the U. S. Army Quartermaster Market Center.

(2) Each authorized receiver who receives processed poultry shall, upon receipt of such processed poultry, notify the Officer in Charge of the nearest U. S. Army Quartermaster Market Center. Each authorized receiver who receives processed poultry shall give notice at least 72 hours prior to the time when, and place where, such processed poultry will be available for inspection.

(3) Each person authorized to buy poultry under this order shall keep accurate records with respect to each shipment of poultry by such person, and accurate records with respect to each purchase and each sale of all poultry which is purchased and sold by him.

(4) The Director shall be entitled to obtain such information from, and require such reports and records by, any person as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(5) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in poultry and processed poultry.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of poultry or processed poultry of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(g) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 119, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (h) shall not be construed to deprive the Director of authority to consider

originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(i) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and one such employee shall be designated by the Director to serve as Deputy Order Administrator for each of the poultry areas.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, WFO 119, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., December 11, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3607; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of December 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-16226; Filed, Dec. 1, 1944; 3:31 p. m.]

[WFO 1, Amdt. 12]

#### PART 1404—BAKERY PRODUCTS PACKAGING

War Food Order No. 1, as amended (8 F.R. 16777, 9 F.R. 4319, 4527, 5331, 7122, 10242), § 1404.1, is further amended by deleting in its entirety paragraph (f) thereof.

This amendment shall become effective at 12:01 a. m., e. w. t., December 4, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals

taken, prior to said date, under War Food Order No. 1, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3607; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of December 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-16340; Filed, Dec. 2, 1944; 3:25 p. m.]

[WFO 75-2, Amdt. 17]

#### PART 1410—LIVESTOCK AND MEATS

##### BEEF REQUIRED TO BE SET ASIDE

War Food Order No. 75-2, as amended (9 F.R. 12509), is further amended as follows:

1. By deleting paragraph (a) (5) and substituting in lieu thereof the following:

(5) "Army style beef" means (i) dressed steer carcasses of "U. S. Choice", "U. S. Good", or "U. S. Commercial" grade, weighing between 350 pounds and 1,100 pounds; or (ii) dressed heifer carcasses of "U. S. Choice", "U. S. Good", or "U. S. Commercial" grade, weighing between 300 pounds and 650 pounds; or (iii) dressed heifer carcasses of "U. S. Utility" grade, weighing between 300 pounds and 550 pounds; or (iv) dressed steer carcasses of "U. S. Utility" grade, weighing between 350 pounds and 550 pounds.

2. By deleting paragraph (b) (1) (i) and substituting in lieu thereof the following:

(i) 60 percent of the conversion weight of each week's production of beef graded "U. S. Choice" and "U. S. Good" and 60 percent of the conversion weight of each week's production of beef graded "U. S. Commercial", obtained from steers and heifers whose carcasses produce Army style beef;

3. By deleting paragraph (b) (1) (ii) and substituting in lieu thereof the following:

(ii) 60 percent of the conversion weight of each week's production of beef graded "U. S. Utility" obtained from steers and heifers whose carcasses produce Army style beef; and.

This order shall be effective at 12:01 a. m., e. w. t., December 3, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-2, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3607; E.O. 9334, 8 F.R. 5423; E.O.



9392, 8 F.R. 14783; WFO No. 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 2d day of December 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-18344; Filed, Dec. 2, 1944;  
3:26 p. m.]

[WFO 75-3, Amdt. 4]

#### PART 1410—LIVESTOCK AND MEATS

##### PORK REQUIRED TO BE SET ASIDE

War Food Order No. 75-3, as amended (9 F.R. 12948), is further amended by deleting paragraph (b) and substituting in lieu thereof the following:

(b) *Quantity; quality; specifications.* No Class 1 slaughterer shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies, authorized purchasers, contract schools, marine hospitals, maritime academies, and ship suppliers:

(1) A quantity of frozen pork sides or cured Wiltshire sides, the total weight of which shall be not less than 4.5 percent of the total live weight of each week's slaughter of hogs, and which shall be prepared as frozen pork sides weighing not less than 48 pounds nor more than 100 pounds or as cured Wiltshire sides which comply with the specifications as set out in Schedule FSCC-10 (Meat Products Purchase Specifications). Such frozen pork sides and cured Wiltshire sides shall be delivered to Commodity Credit Corporation.

(2) A quantity of loins the total weight of which shall be not less than 3.5 percent of the total live weight of each week's slaughter of hogs, to be prepared so as to conform, in weight and quality, to specifications of the Government agencies to which they will be delivered. Not less than 60 percent of the total weight of all loins so set aside shall be converted to semi-boneless (partially boneless) loins;

(3) A quantity of hams the total weight of which shall be not less than 5 percent of the total live weight of each week's slaughter of hogs, to be prepared so as to conform, in weight and quality, to the specifications of the governmental agencies to which they will be delivered. Not less than 30 percent of such hams shall be processed into overseas hams requiring 96 hours' smoke, and not less than 10 percent of such hams shall be processed into Army hams requiring 48 hours' smoke;

(4) A quantity of square-cut and seedless bellies the total weight of which shall be not less than 5 percent of the total live weight of each week's slaughter of hogs, to be prepared from bellies which, when trimmed in accordance with the best commercial practice, produce square-cut and seedless bellies which fall within a weight range of not less than 6 pounds nor more than 20 pounds. Not less than 30 percent of such bellies shall be processed into overseas bacon requiring 96 hours' smoke, and not less than 5 percent of such bellies shall be processed into Army bacon requiring 48 hours' smoke;

(5) A quantity of shoulders the total weight of which shall be not less than 8 percent of the total live weight of each week's slaughter of hogs, to be prepared in the form of skinned shoulders, picnics, or Boston butts; and

(6) A quantity of salted fat cuts (American cut bellies, fatbacks, plates, and jowls) the total weight of which shall be not less than 2.5 percent of the total live weight of each week's slaughter of hogs. Such salted fat cuts shall be delivered to Commodity Credit Corporation.

This order shall become effective at 12:01 a. m., e. w. t., December 3, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO No. 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 2d day of December 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-18345; Filed, Dec. 2, 1944;  
3:26 p. m.]

[WFO 4-8]

#### PART 1450—TOBACCO

##### 1944 CROP OF BURLEY TOBACCO

Pursuant to the authority vested in me by War Food Order No. 4, issued on January 7, 1943, as amended (8 F.R. 335, 828, 11331, 9 F.R. 4521, 4319, 9584), and to effectuate the purpose of such order, as amended, it is hereby ordered as follows:

§ 1450.14 *Restrictions on 1944 crop Burley tobacco—(a) Definitions.* (1) "Burley tobacco" means unmanufactured tobacco of Type 31, as defined in the Official Standard Grades for Burley Tobacco (7 CFR 29.206 (11)), promulgated by the Secretary of Agriculture on November 25, 1936, pursuant to the Tobacco Inspection Act (7 U.S.C. 511 et seq.).

(2) "Manufacturer" means any person who processed tobacco during the period from October 1, 1943 to September 30, 1944, inclusive, into a product for consumer use which was subject to taxation under the Internal Revenue Code (26 U.S.C. 2000-2040).

(3) "Dealer" means any person, other than a manufacturer, who purchased Burley tobacco of the crops of 1939, 1940, and 1941 from producers or at auction and redried and packed such tobacco, or had such tobacco redried and packed for his account.

(4) "1944 crop Burley tobacco" means Burley tobacco which was planted and harvested during the calendar year 1944.

(5) "Warehouman" means any person who offers tobacco for sale at auction as a commission agent for the producer of such tobacco.

(6) "Scrap" means any loose, tangled, untied, and unstemmed Burley tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves not sold at auction by growers and any loose, untied, and unstemmed Burley tobacco consisting entirely of warehouse floor sweepings, loose, and tangled leaves, or portions of leaves which accumulate from unavoidable dropping or breakage in the handling of Burley tobacco and which consist exclusively of such tobacco salvaged as a by-product of marketing.

(7) "Person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether incorporated or not.

(b) *Restrictions.* (1) No person shall purchase, or otherwise acquire, any 1944 crop Burley tobacco unless such tobacco is purchased or acquired pursuant to the provisions hereof.

(2) No manufacturer shall, directly or indirectly, purchase, or otherwise acquire, any 1944 crop Burley tobacco which will cause the total amount of such tobacco so acquired by him to exceed 105 percent of the total number of pounds of Burley tobacco used by such person for manufacturing purposes during the period from October 1, 1943 to September 30, 1944, inclusive.

(3) No manufacturer shall purchase at auction a higher proportion of his total allocation of 1944 crop Burley tobacco than his total purchases of Burley tobacco from the crops of 1939, 1940, and 1941 at auction bore to his total purchases of Burley tobacco from such crops.

(4) No dealer shall purchase from producers or at auction for his own account a total quantity of 1944 crop Burley tobacco which is in excess of 104 percent of the amount which was allocated to such dealer pursuant to the provisions of War Food Order 4-5 (8 F.R. 16315) issued by the Director of Food Distribution on December 1, 1943, as amended, or the amount which he was entitled to have allocated to him pursuant to said war food order, as amended, for such purchases from the 1943 crop of Burley tobacco.

(5) Any person other than a manufacturer or dealer may purchase 1944 crop Burley tobacco at auction for resale at auction in substantially the same form and condition.

(6) Purchases at auction of any 1944 crop Burley tobacco by a manufacturer or a dealer shall not be charged to the purchaser's allocation of 1944 crop Burley tobacco pursuant to (b) (2), (b) (3), or (b) (4) hereof if such tobacco is purchased at a price less than the maximum price for such tobacco established by the Office of Price Administration and in effect on the date of such purchase.

(7) Purchases of scrap by a dealer shall not be charged against such dealer's allocation but purchases of scrap by a manufacturer shall be charged to such manufacturer's allocation.

(8) Any 1944 crop Burley tobacco purchased in conformity with an agreement to buy for a principal, either in the pri-

principal's name or for his account, shall be charged to the quota of the principal for whom such Burley tobacco was purchased: *Provided*, That no principal may make any such agreement with a warehouseman or any person employed, directly or indirectly, by a warehouseman, and this provision applies to any such agreement already made or to be made with respect to the 1944 crop of Burley tobacco.

(9) Burley tobacco of the 1944 crop may, from time to time, be allocated by the Director for purchase by the Commodity Credit Corporation.

(10) The poundage figures used in computing allocations pursuant hereto shall be reduced to an undried (green weight) basis. Burley tobacco in the steamdried condition and in unstemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.11. Burley tobacco in the steamdried condition and in the stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.50.

(11) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, or payments made prior to the effective time hereof, and purchases or sales of 1944 crop Burley tobacco, made prior to the effective time hereof, shall be charged to the respective allocations in accordance with the provisions hereof, as if such purchases or sales were made after the effective time of this order.

(c) *Modification and amendment.* Any allocation granted herein may be modified, amended, or supplemented from time to time by notice or letter, issued by the Director, to any person to whom such allocation has been made; and the Director may, by notice or letter, grant an allocation to any person who is not entitled thereto under the provisions of (b) (2), (b) (3), or (b) (4) hereof.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Dec. 2, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 4, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584)

Issued this 1st day of December 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-18308; Filed, Dec. 2, 1944; 11:29 a. m.]

#### [WFO 37, Termination]

#### PART 1460—FATS AND OILS

##### TERMINATION OF RESTRICTIONS WITH RESPECT TO SPIRIT OIL

War Food Order No. 37, as amended (9 F.R. 2078, 4319, 4974), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., December 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War

Food Order No. 37, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal. (E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of December 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-16341; Filed, Dec. 2, 1944; 3:26 p. m.]

#### [WFO 53, Partial Suspension]

#### PART 1460—FATS AND OILS

##### PARTIAL SUSPENSION OF RESTRICTIONS WITH RESPECT TO ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

The provisions of § 1460.15 (b), (c), (d), and (e) of War Food Order No. 53, as amended (9 F.R. 6391), are suspended until March 31, 1945.

This order shall become effective at 12:01 a. m., e. w. t., December 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 53, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of December 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-18343; Filed, Dec. 2, 1944; 3:26 p. m.]

#### [WFO 45, Amdt. 7]

#### PART 1491—BEANS

##### CLASSES AND PERCENTAGES OF BEANS TO BE SET ASIDE

War Food Order No. 45, as amended (9 F.R. 9775, 10927), is further amended as follows:

1. By deleting (a) (1) and substituting in lieu thereof the following:

(1) "Beans" means dry threshed beans of the following classes, as defined in the United States Standards for Beans, as revised, effective September 1, 1941: Pea beans; Great Northern beans; Small White beans; Flat Small White beans; Light Red Kidney beans; Dark Red Kidney beans; Pink beans; Western Red Kidney beans; Small Red beans; and Baby Lima beans.

2. By deleting (b) and substituting in lieu thereof the following:

(b) *Restrictions on country shippers.* (1) Every country shipper shall, dur-

ing each calendar month, set aside and hold for delivery to the persons or agencies hereinafter specified, a quantity of beans equal to the indicated percentage of total deliveries, into civilian channels during such calendar month, of the classes of beans within each of the following groups:

Class of beans:	Percentage
Group 1 Pea; Great Northern; Small White; Flat Small White.....	35
Group 2 Red Kidney.....	33
Group 3 Baby Lima.....	63
Group 4 Pink, Small Red.....	103

(2) All beans set aside under this order shall be of U. S. No. 2 Grade or better as specified in the United States Standards for Beans.

(3) Group 1, Group 2, and Group 3 beans set aside under this order may be sold only to:

(i) The armed services of the United States in response to announcements or notices by the particular service that offers for beans will be received;

(ii) An authorized purchaser who furnishes a certificate in accordance with (c) hereof; or

(iii) A country shipper who acquires such beans for the express purpose of resale and delivery to an authorized purchaser or to the armed services of the United States, and who furnishes a certificate in accordance with (c) hereof.

(4) Group 4 beans set aside under this order may be sold only to:

(i) A governmental agency in response to announcements or notices by the particular agency that offers for beans will be received;

(ii) An authorized purchaser who furnishes a certificate in accordance with (c) hereof; or

(iii) A country shipper who acquires such beans for the express purpose of resale and delivery to an authorized purchaser or a governmental agency, and who furnishes a certificate in accordance with (c) hereof.

(5) Nothing in this order shall be applicable to beans sold and delivered exclusively for use as seed, in compliance with State and Federal seed laws, or exclusively for use as feed for poultry or livestock, provided the purchaser of such beans furnishes a certificate in accordance with (c) hereof.

This amendment shall become effective at 12:01 a. m., e. w. t., December 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 45, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E. O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of December 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-16342; Filed, Dec. 2, 1944; 3:26 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

## Chapter VI—Organized Reserves

## PART 604—ENLISTED RESERVE CORPS

Sections 604.1 to 604.20 are superseded by the following §§ 604.1 to 604.14. The regulations in these sections are also contained in Army Regulations No. 150-5 dated November 1944.

## Sec.

- 604.1 Enlistments.
- 604.2 Qualification.
- 604.3 Call to active duty; authority.
- 604.4 Air Corps Enlisted Reserve.
- 604.5 Signal Corps Enlisted Reserve.
- 604.6 Voluntary requests for call to active duty.
- 604.7 Recall to active duty.
- 604.8 Women's Army Corps.
- 604.9 Grade.
- 604.10 Physical examination.
- 604.11 Transfer to Enlisted Reserve Corps.
- 604.12 Separation from service.
- 604.13 Identification card.
- 604.14 Change of residence.

**AUTHORITY:** §§ 604.1 to 604.14 issued under 39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U. S. C. 421, 423-427.

§ 604.1 *Enlistments*—(a) *Grade*. All enlistments in the Enlisted Reserve Corps will be in the seventh grade only.

(b) *Eligibility*. Enlistments will be made only from men who have attained their seventeenth birthday but who have not attained their eighteenth birthday, provided written consent of parents or guardian is obtained.

(c) *Service for which enlisted*. (1) Enlisted Reserve Corps, unassigned.

(2) Air Corps Enlisted Reserve (ACER). Enlistment in the Air Corps Enlisted Reserve will be made only in accordance with recruiting instructions.

(3) Enlisted Reserve Corps, specific assignment. Enlistment in the Enlisted Reserve Corps for specific assignment to a branch or service will be made only in accordance with recruiting instructions.

§ 604.2 *Qualification*. (a) All men enlisted in the Enlisted Reserve Corps must be citizens of the United States and must be qualified for general military service. United States citizens of Japanese ancestry may be enlisted in accordance with current War Department directives.

(b) The standards for physical examination will be those prescribed in MR 1-9, Standards of Physical Examination During Mobilization, except, however, the War Department may prescribe special standards for physical examination for enlistments in certain branches of the service or for special types of duty.

(c) When necessary, applicants who are otherwise qualified for enlistment in the Enlisted Reserve Corps or Air Corps Enlisted Reserve may be transported from the recruiting station or examining board to the nearest station where a physical examination may be given, retained thereat, furnished meals and lodging, and returned at Government expense. Cost of transportation, meals, and lodging, when not furnished in kind by the Government, should be charged to the applicable open allotment number under the appropriation "Finance Service, Army" for permanent change of station travel.

§ 604.3 *Call to active duty; authority*. (a) Men enlisted under the authority contained in § 604.1 (c) will not be ordered to active duty until they have attained their eighteenth birthday but in every instance will be ordered to active duty within 6 months after attaining such age: *Provided*, That students in—

(1) Colleges and secondary schools may, upon their own application, be deferred from call to active duty to complete the semester, quarter, or trimester in which they reach their respective eighteenth birthdays: *Provided further*, That no such student will be deferred more than 6 months after reaching his eighteenth birthday.

(2) The Army Specialized Training Reserve Program will not be called to active duty until the end of the term in which they reach their respective eighteenth birthdays.

(b) United States citizens of Japanese ancestry who have been inducted and transferred to the Enlisted Reserve Corps, unassigned, will be called to active duty for training in groups as determined by the needs of the service.

§ 604.4 *Air Corps Enlisted Reserve*. Members of the Air Corps Enlisted Reserve placed in such a category by reason of their employment will be called to active duty or discharged at the request of the Commanding General, Army Air Forces, in accordance with current instructions.

§ 604.5 *Signal Corps Enlisted Reserve*. Members of the Signal Corps Enlisted Reserve assigned to the electronics training group, Office of the Chief Signal Officer, will be called to active duty at such time as they have completed the prescribed course of training at the institutions where they are receiving training. Students who fail to maintain satisfactory scholastic averages will be discharged from the Signal Corps Enlisted Reserve.

§ 604.6 *Voluntary requests for call to active duty*. (a) Members of the Enlisted Reserve Corps, unassigned, may be called to active duty upon submission in writing of their formal request to the commanding general of the service command of residence.

(b) Members of the Air Corps Enlisted Reserve may be called to active duty upon their own request subject to the approval of the Commanding General, Army Air Forces.

§ 604.7 *Recall to active duty*. (a) Enlisted personnel transferred to the Enlisted Reserve Corps, unassigned, or to the Air Corps Enlisted Reserve to accept employment in essential industry, including agriculture or other essential civilian employment, may be recalled to active duty:

(1) At the expiration of the deferment period.

(2) Upon failure to remain employed in essential industry.

(3) Upon recommendation of the State Director of Selective Service or the employer concerned, with the approval of the War Department.

§ 604.8 *Women's Army Corps*. Women enlisted in the Women's Army

Corps who were immediately transferred to the Enlisted Reserve Corps, unassigned, in accordance with current instructions will be called to active duty consistent with the time specified on their orders and the needs of the service. This period will normally not exceed 30 days and may be extended by the commanding general of the service command in exceptional cases justifying such action. Women who at the time of enlistment are attending a college or business school as students may, upon their request, be permitted to remain on an inactive status for a period not to exceed 120 days. The date on which the enlisted woman will be called to duty will be determined at the time of enlistment.

§ 604.9 *Grade*. Men accepted for active duty will be called in grade held at time of relief from active duty.

§ 604.10 *Physical examination*. On call or recall of a member of the Enlisted Reserve Corps to active military duty, he will be given a final type physical examination unless one of record made within 90 days of call to active duty. The report of physical examination will be prepared in duplicate on WD AGO Form 183. If less than 90 days has elapsed between the date of the reservist's call to active duty and his physical examination at the time of transfer to or enlistment in the Enlisted Reserve Corps, he will be given a physical inspection with all clothing removed. If any member of the Enlisted Reserve Corps reporting for active duty is found physically disqualified for general military service, he will be discharged as provided for in Army Regulations.

§ 604.11 *Transfer to Enlisted Reserve Corps*. No individual will be inducted or enlisted and immediately transferred to the Enlisted Reserve Corps or released from active service and transferred to the Enlisted Reserve Corps except under the provisions of Army Regulations.

§ 604.12 *Separation from service*—(a) *Discharge from active duty*. When on active duty the discharge of members of the Enlisted Reserve Corps will be governed by the provisions of Army Regulations.

(b) *Discharge from inactive status*. (1) Individuals on an inactive status in the Enlisted Reserve Corps will be discharged in accordance with the provisions of AR 615-363.<sup>1</sup>

(2) Individuals will not be ordered to active duty for the sole purpose of effecting a discharge.

§ 604.13 *Identification card*. (a) WD AGO Form 166 (Identification Card—Enlisted Reserve Corps) will be prepared and given to the enlisted man at the time of his enlistment or transfer to the Enlisted Reserve Corps to be retained in his possession until called to active duty or discharged.

(b) The reverse side of the identification card contains instructions to the reservist regarding report of change of address.

<sup>1</sup>Army Regulations pertaining to Release from Active Duty.



§ 604.14 *Change of residence.* Immediately upon making a change of residence a member of the Enlisted Reserve Corps will notify the commanding general of the service command of the fact, stating his new place of residence and address. If the new residence is within another service command, the commanding general of the service command in which the reservist's old residence is located will forward his enlistment record and other personnel papers to the commanding general having jurisdiction over his new residence.

[SEAL] EDWARD F. WITSELL,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 44-18355; Filed, Dec. 2, 1944;  
4:57 p. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

[T. D. 51154]

#### PART 22—DRAWBACK

##### PROCEDURE; COLLECTOR'S STATEMENT OF DRAWBACK DUE

NOVEMBER 30, 1944.

Section 22.27, Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.27), is hereby amended by deleting the parenthetical matter at the end of paragraph (c) and by adding the following new paragraph:

#### § 22.27 Procedure. \* \* \*

(d) In the case of medicinal preparations and flavoring extracts there shall be filed with the drawback entry, or indorsed on the entry or certificate of manufacture, an affidavit of the manufacturer showing whether claim has been, or will be, made by the manufacturer for domestic drawback allowable on the involved alcohol under the provisions of section 3250 (1), Internal Revenue Code, as amended. Such affidavits shall not be required in the case of toilet preparations (including perfumery). (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U.S.C. 1313, 1624)

Section 22.30, Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.30), is hereby amended to read as follows:

§ 22.30 *Collector's statement of drawback due.* (a) When the drawback claim has been completed by the filing of the entry, bills of lading, etc., as required by the regulations in this part, any required landing certificate has been produced, and clearance of the exporting conveyance has been established by the records of clearance in the case of direct exportation or by a certificate when the merchandise was exported at another port, the collector shall proceed to ascertain the amount of drawback due by reference to the certificate of manufacture and the drawback rate under which the drawback claimed is allowable.

(b) If the affidavit required by § 22.27 (d) shows that claim has been, or will be, made for the domestic drawback referred to in that section, the allowance of

drawback under the provisions of section 313 (d), Tariff Act of 1930, as amended, shall be limited to the difference between the amount of tax paid and the amount of domestic drawback claimed. If the affidavit shows that no claim has been, or will be, made by the manufacturer for the domestic drawback, the collector shall suspend liquidation of the entry and report the facts to the Commissioner of Internal Revenue (Alcohol Tax Unit), Washington, D. C., for advice whether drawback shall be allowed of the full amount of the tax paid on the alcohol used. The collector shall be governed by the advice received from the Commissioner of Internal Revenue.

(c) The collector shall then prepare a certificate on customs Form 4539, showing, in addition to the information called for therein, the Bureau of Internal Revenue certificate number applicable to the alcohol used. The certificate on customs Form 4539, together with a written request for payment of the amount found due, signed by the claimant and addressed to the Comptroller General of the United States, shall be transmitted by the collector to the Commissioner of Internal Revenue (Alcohol Tax Unit), who will forward it to the Comptroller General of the United States for payment.

(d) No deduction of 1 per centum shall be made in allowing drawback claims under section 313 (d), Tariff Act of 1930, as amended.

(e) The regulations contained in § 22.2 of this part, relating to articles shipped to the Philippine Islands, are not applicable to flavoring extracts or medicinal or toilet preparations manufactured or produced in the United States with the use of domestic tax-paid alcohol. (Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U.S.C. 1313, 1624)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved: November 30, 1944.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-18351; Filed, Dec. 2, 1944;  
4:08 p. m.]

## TITLE 29—LABOR

### Chapter IX—War Food Administration (Agricultural Labor)

[Specific Wage Ceiling Reg. 41]

#### PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN PRUNING FRUIT AND NUT TREES IN DESIGNATED AREAS OF SAN BENITO AND SANTA CLARA COUNTIES, CALIF.

§ 1102.20 *Wages of workers engaged in pruning fruit and nut trees in portions of the Counties of San Benito and Santa Clara, State of California.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28,

1943 (9 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702), and June 1, 1944 (9 F.R. 6035) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831) as revised on October 23, 1944 (9 F.R. 12807), entitled "Specific Wage Ceiling Regulations," and based upon a certification of the California WFA Wage Board that a majority of the producers of fruit and nut trees in the area affected have requested the intervention of the War Food Administrator and based upon relevant facts submitted by the California WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Area, crops, and classes of workers.* Persons engaged in pruning fruit and nut trees in the area composed of all of San Benito County, except that portion lying west of the line bearing due south from the junction of the San Benito and Pajaro Rivers to the 101 Highway, thence along said highway to the San Benito-Monterey County line; and that portion of Santa Clara County lying east of the Pacheco Pass Highway, State of California, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702, 9 F.R. 6035).

(b) *Wage rates; maximum wage rates for pruning fruit and nut trees:*

(1) *Hourly rates.* 80 cents per hour. *Provided, however,* that the rate for a "learner" shall not exceed 75 cents per hour.

(2) *Piece work rates.* The piece work rate per tree may not exceed an amount equal to the cost per tree if the work were paid for on an hourly basis of 80 cents per hour. *Provided, however,* in no case can the piece work rate exceed 60 cents per tree without specific approval of the California WFA Wage Board.

(c) *Definitions.* When used in this specific wage ceiling regulation No. 41, the term "learner" means a person who has had less than seven days experience in pruning any kind of fruit or nut tree.

(d) *Administration.* The California WFA Wage Board, located at 2181 Bancroft Way, Berkeley, California, will have charge of the administration of this order in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831) as revised on October 23, 1944 (9 F.R. 12807).

(e) *Applicability of specific wage ceiling regulations.* This specific wage ceiling regulation No. 41 shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as revised October 23, 1944 (9 F.R. 12807), and the provisions of such regulation shall be applicable to this specific wage ceiling regulation No. 41 and any violation of this specific wage ceiling regulation No. 41 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U.S.C. App. §§ 861 et seq. (Supp. III); 57 Stat. 63, 50 U.S.C. App. § 864 (Supp. III); Pub. Law No. 393, 78th Cong., 2d Sess.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702; 9 F.R. 6035;

regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611; 9 F.R. 831, 12807)

Issued this 2d day of December 1944.

PHILIP BRUTON,  
Director of Labor,  
War Food Administration.

[F. R. Doc. 44-18369; Filed, Dec. 4, 1944;  
11:22 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

**AUTHORITY:** Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

#### PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-289, Interpretation 1]

##### CARDS WHICH ARE "OFFERED FOR SALE"

The following interpretation is issued with respect to Limitation Order L-289:

Paragraphs (b) (1) and (b) (2) of Order L-289 provide that the order does not apply to "cards, sheets or folders of which no copies are offered for sale at any level of distribution".

Greeting cards or illustrated post cards are "offered for sale" if they are offered either in consideration of a monetary payment, as a premium, bonus or dividend, in part consideration of society membership dues, or for any other consideration direct or indirect, or if the publisher receives any compensation for the inclusion of material therein.

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18313; Filed, Dec. 2, 1944;  
11:41 a. m.]

#### PART 3281<sup>1</sup>—PULP AND PAPER

[General Conservation Order M-286 as Amended Dec. 2, 1944]

##### SPECIALTY PAPERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of specialty papers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3281.51<sup>1</sup> *General Conservation Order M-286*—(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any person engaged in the business of manufacturing any grade or type of paper listed in column 2 on List A.

(2) "Distributor" means any person engaged in the business of buying for resale or of ordering for the account of others any grade or type of paper listed in column 2 on List A.

<sup>1</sup> Formerly Part 3192, § 3192.1.

(3) "Prohibited use" means, with respect to each grade or type of paper listed in column 2 on List A, the uses described for such grade or type of paper in column 3 on List A.

(4) "Grade or type of paper" designated in column 2 on List A includes all the sorts and varieties of paper commonly regarded by the trade as included within such designation.

(b) *Manufacturers' and distributors' obligation to examine orders.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses listed in columns 2 and 3:

(1) No manufacturer or distributor shall accept any order for any grade or type of paper listed in column 2, or sell or deliver any such paper, if, by virtue of the identity of the person placing the order or the nature of his business (so far as known to the manufacturer or distributor) or the specifications of the order, or otherwise, the manufacturer or distributor knows or has reason to know that such paper will be used for any prohibited use, as specified for such paper in column 3.

(c) *Limitation on use of papers shown in column 2 on List A.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses shown in columns 2 and 3 no person who accepts delivery of any grade or type of paper shown in column 2 shall use the same for any prohibited use, as specified for such grade or type of paper in column 3.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this order any manufacturer or distributor may deliver, and any person may use, any quantity of any type or grade of paper shown in column 2 on List A (unless restricted in the use thereof by virtue of some other order of the War Production Board) for any use required by any contract with or order from the Army or Navy of the United States or any other agency or government referred to in (b) (1) and (2) of § 944.1 of Priorities Regulation No. 1, as amended.

(2) In case of doubt as to whether a particular use falls within the uses prohibited by the descriptions in column 3 on List A, any manufacturer, distributor or user may apply (by letter in triplicate) to the War Production Board for a specific ruling. The War Production Board may, either in response to such request or on its own motion, by letter or telegram addressed to a particular manufacturer, distributor or user, issue specific rulings determining whether or not a particular use or particular uses of a particular grade or type of paper are included within the prohibited uses for such grade or type.

(3) In case of doubt as to whether any particular paper is included by a particular designation, any manufacturer, distributor or user affected by this order may apply to the War Production Board for a specific ruling, by letter in triplicate, describing such paper in detail, the common designation thereof or of similar papers in the trade, the general uses for which such paper is designed or com-

monly used, and enclosing a sample of such paper. The War Production Board may, either in response to such request or on its own motion, by letter or telegram to a particular manufacturer, distributor or user, issue specific rulings determining which designation applies to any particular paper or papers or whether or not a particular paper or papers are included in any designation on List A.

(4) No restrictions contained in paragraphs (b) and (c) shall apply to any stocks which on July 23, 1943, were:

(i) In the hands of a user,

(ii) In transit to a user.

(iii) In the hands of a manufacturer or distributor and so cut, processed or printed as to render impracticable their use in a manner not subject to restriction by this order.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for appeal.

(g) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on the same if required.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref: M-286.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

NOTE: List amended Dec. 2, 1944.

1	2	3
Effective Date	Grade or type of paper	Prohibited uses
July 23, 1943	Glassine and greaseproof, also vegetable parchment.	For wrapping or packaging at the point of manufacture or assembly, the following products: Textile and textile products woven and/or knitted except when all impregnated or when sterilized in the package

1 Effective date	2 Grade or type of paper	3 Prohibited uses	1 Effective Date	2 Grade or type of paper	3 Prohibited uses	1 Effective date	2 Grade or type of paper	3 Prohibited uses
July 23, 1943	Glassine and greaseproof, also vegetable parchment.	<p>Paper and paper products printed or unprinted except oil impregnated.</p> <p>Metals and metal products except when oiled, greased or otherwise coated with a like substance or except when sterilized in the package.</p> <p>Wood and wood products except if sterilized in the package.</p> <p>Candles and wax products.</p> <p>Cosmetics, dentifrices, toilet materials and soap.</p> <p>Laundry and dry cleaned products.</p> <p>Rubber and rubber products except when sterilized in the package, and except that vegetable parchment may be used in the manufacture of rubber products, as a substitute for Holland Cloth in the backing of retreading stocks for tires, tire liners, patches and sandblast stencils, and as a wrapping on friction and rubber tape.</p> <p>Leather goods and supplies.</p> <p>Plastic and plastic products except when sterilized in the package.</p> <p>Playing cards.</p> <p>Bottled and canned goods, all kinds, except glassine may be used for the covering protection of labels on bottles and cans of industrial and professional packages of drugs and pharmaceuticals or for the affixing of descriptive matter required by law in the instance of drugs and pharmaceuticals providing that the glassine so used is in the nature of a strip or band not exceeding in width the width of the bottle or can label. This paragraph shall not be construed to prohibit closure inserts, closure liners or closure gaskets.</p> <p>Candy and candy products when used as follows:</p> <p>(1) As a container overwrap, a container liner or a container layer sheet;</p> <p>(2) In conjunction with, or in addition to, any other greaseproof paper wrapper;</p> <p>(3) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose;</p> <p>(4) In conjunction with, or in addition to, more than one other paper wrapper of any kind except that the exterior printed label shall not be considered a wrapper in those instances where common practice in the past has been to use the label as a band or sleeve rather than a full protective wrapper.</p>	July 23, 1943	Glassine and greaseproof, also vegetable parchment.	<p>In the manufacture of or for wrapping or packaging, at the point of manufacture or assembly, the following products:</p> <p>Greeting cards, valentines and novelties.</p> <p>Lamp shades.</p> <p>Advertising displays.</p> <p>Florist supplies.</p> <p>Package gift wraps.</p> <p>Decorations, novelties, toys, games, hair nets, jewelry, brushes and other toilet products.</p> <p>For wrapping or packaging at the point of manufacture or assembly, the following products:</p> <p>Tobacco and tobacco products when used as follows:</p> <p>(1) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose;</p> <p>(2) In laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment;</p> <p>(3) In laminated form containing cellophane or similar transparent material derived from cellulose;</p> <p>(4) In any fashion in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment;</p> <p>(5) In laminated form containing more than sixty pounds (24 x 36/500) of fibre per ream for pouches or pouch type packages.</p> <p>Yarns and threads, except oil impregnated.</p> <p>Twines and cordage, except oil impregnated.</p> <p>Coffee, if used in laminated form containing more than forty-five pounds per ream (24 x 36/500) of fibre.</p> <p>Chewing gum when employed as follows:</p> <p>(1) As the wrapper for package combinations of more than one stick or piece, except that one sheet of glassine, greaseproof or vegetable parchment may be used as one wrapper for package combinations in those instances where no glassine, greaseproof or vegetable parchment is used for wrapping, the individual sticks or pieces which form such package combinations;</p> <p>(2) As the wrapper for individual sticks or pieces if the wrapper is in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used, in any fashion, in conjunction with, or in addition to, other glassine, grease-</p>	July 23, 1943	Glassine and greaseproof, also vegetable parchment.	<p>proof or vegetable parchment paper.</p> <p>(3) A carton or container overwrap of any type.</p> <p>Smokers supplies, such as lighters, lighter flints, lighter wicks, pipe cleaners, filters, pipes, cigarette holders and cigar holders.</p> <p>Household dyes.</p> <p>Faces for watches, clocks and other instruments.</p> <p>Sponges.</p> <p>All foods for consumption by animals.</p> <p>Insecticides, rodenticides and other pest control products.</p> <p>Tea, if used in laminated form containing more than forty pounds per ream (24 x 36/500) of fibre.</p> <p>Macaroni, noodles and similar paste goods.</p> <p>Potato chips, corn chips and popcorn, if used in laminated or duplex form containing more than forty-five pounds per ream (24 x 36/500) of fibre.</p> <p>Dried foods such as peas, beans, popcorn, rice lentils and barley. This paragraph shall not be construed to include dehydrated products.</p> <p>Sugar, flour (excluding flour mixes containing shortening) and unshelled nuts.</p> <p>Whole spices, excluding cloves and mixed pickling spices.</p> <p>Drink powders, excluding milk, malted milk, cereal, bouillon, chocolate and cocoa or combinations thereof.</p> <p>In the manufacture of or for wrapping or packaging at the point of manufacture or assembly, the following products:</p> <p>Albums, scrapbooks, filing and storage devices for such as, photographs, snapshots, stamps, negatives.</p> <p>General printed products, not otherwise named in this order, excluding diplomas for schools, colleges and State Boards, when the end use is one which does not require the protective packaging characteristics of the grade involved.</p> <p>NOTE: For the purpose of this paragraph the protective characteristics of Glassine, Greaseproof and Vegetable Parchment are defined as:</p> <p>(1) Greaseproofness,</p> <p>(2) Airproofness,</p> <p>(3) Flavor protection,</p> <p>(4) Insect protection,</p> <p>(5) Wet strength,</p> <p>(6) Moisture vapor proofness.</p>

## PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 2a]

## RESTRICTION ON DELIVERY AND RECEIPTS OF WESTERN PINE LUMBER

The following direction is issued pursuant to Order L-335:

(a) *What this direction does.* This direction restricts the delivery by sawmills and distributors and the receipt by consumers of Western pine lumber produced by sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota which currently produce 10,000 or more board feet of lumber (whether one of the named species or not) per average day of eight hours of continuous operation or which produced an average of 10,000 or more board feet of lumber per day during the days from June 3, 1943, to December 3, 1943, when in operation. For the purposes of this direction Western pine means Idaho White pine, Ponderosa pine, and sugar pine.

(b) *Deliveries prohibited except on orders bearing special certificate.* No sawmill of the kind described in paragraph (a) above and no distributor may deliver Western pine lumber except on orders bearing one of the certificates described in paragraphs (e) and (f) below. These certificates may not be accepted by a sawmill unless they bear a "case" number.

(c) *Restriction on placement of orders by Class I consumers.* Except as authorized on Form WPB-3640 (or by letter amending the authorization on Form WPB-3640) a Class I consumer may not place an order with a lumber supplier to obtain Western pine lumber. The usual authorization on Form WPB-3640 for a Class I consumer to receive lumber generally may not be construed as an authorization to receive Western pine lumber. If the authorization on Form WPB-3640 (or letter from the War Production Board amending the authorization) states specifically that the Class I consumer may receive a specified amount of Western pine lumber then the Class I consumer may order and receive within the quarter for which the authorization is valid the amount (but no more) stated on the authorization. A Class I consumer authorized to receive Western pine lumber must use the certificate described in paragraph (e) below in addition to the regular certificate required by Order L-335. The certificate described in paragraph (e) below will not be valid and cannot be accepted by a distributor or sawmill unless the "case" number assigned to the Class I consumer on Form WPB-3640 is inserted in the space provided in the certificate. Requests for authority to order and receive Western pine over and above the amount authorized on Form WPB-3640 shall be made by mailing a letter to the War Production Board, Washington 25, D. C., Ref.: L-335, indicating the number appearing on the WPB-3640 upon which they received authorization in the box marked "for WPB use only" and stating fully the use to which such lumber is to be put and the quantity required. Within the available supply authorization will only be granted for essential purposes where substitute wood cannot be used.

(d) *Placement of orders by consumers other than Class I consumers.* Unless authorized in writing by the War Production Board no Class II consumer or farmer may place an order with a lumber supplier to obtain Western pine lumber. Class II consumers include persons authorized on Form WPB-2898 and Form WPB-2896.1 to receive lumber. If a Class II consumer or farmer is authorized by the War Production Board in writing to receive Western pine lumber he must use the certificate provided for in paragraph (e) below on his orders for such

lumber. That certificate will not be valid and may not be accepted unless the "case" number (which will be assigned by the War Production Board) is inserted in the space provided for in the certificate. Requests for authorizations to order and receive Western pine lumber shall be made by mailing a letter to the Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.: L-335 stating fully the use to which such lumber is to be put and the quantity required. Within the available supply authorizations will be granted only for essential purposes where substitutes cannot be used.

(e) *Certificate required of consumers.* Any consumer (including a Class I consumer) that is authorized to receive Western pine lumber must provide his lumber supplier with the following certificate which is in addition to the regular certificate required by Order L-335. This certificate may only be used by a consumer to obtain the quantity of Western pine lumber which he is specially authorized by the War Production Board to receive.

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for Western pine lumber does not exceed the amount that I have been specifically authorized by the War Production Board to receive under Direction 2a to Order L-335. My case number is -----

Consumer

By -----  
Duly authorized official

Date -----

(f) *Distributors extension of orders.* No distributor may place an order with a sawmill of the kind described in paragraph (a) above to get Western pine lumber except where the Western pine lumber is required for delivery on an order bearing one of the certificates shown in this direction or where the Western pine lumber is required to replace lumber in inventory which the distributor has delivered on an order bearing such a certificate. In extending such an order the distributor shall use the following certificate:

I certify to the supplier and to the War Production Board that the amount of Western pine lumber covered by this order does not exceed the amount which I have sold on unextended orders certified under Direction 2a to Order L-335. These unextended orders bear the following "case" numbers -----

Distributor

By -----  
Duly authorized official

Date -----

This certificate is in addition to the regular certificate required of distributors by Order L-335 and need only be used to get lumber from sawmills of the kind described in paragraph (a) above.

(g) *Production of small sawmills excepted.* This direction does not apply to Western pine lumber produced by sawmills smaller than the size sawmill referred to in paragraph (a) above. Any Western pine lumber produced by these small sawmills may be delivered in accordance with Direction No. 7 and paragraph (e) of Direction 2 to Order L-335 and consumers (including Class I consumers) may order, receive, and use such lumber without regard to the provisions of this direction.

(h) *Present inventory of distributors excepted.* This direction does not apply to Western pine lumber which a retail lumber distributor received prior to December 31, 1944 or which has been placed in transit by any sawmill prior to December 31, 1944.

(i) *Provisions of Order L-335 and other directions.* In the event there is any conflict between the provisions of this direction and the provisions of Order L-335 or any other direction the provisions of this direction shall govern.

(j) *Effective date.* This direction shall become effective December 2, 1944, except that sawmills may, through December 31, 1944, fill orders accepted by the mill prior to December 2, 1944, even though the orders do not bear the certificate required by this direction. After December 31, 1944 a sawmill may not fill an order even though the order may have been carried over from the shipping schedule of previous months unless the order bears one of the certificates described in paragraphs (e) and (f) above.

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18314; Filed, Dec. 2, 1944;  
11:41 a. m.]

## PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-124 as Amended  
Dec. 1, 1944]

## RUBBER YARN AND ELASTIC THREAD

§ 3290.36 *Conservation Order M-124—*  
(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on use and delivery.*

(1) *No person shall knit, or otherwise process or use, sell, deliver, purchase, order or accept delivery of any natural rubber thread, whether in bare or covered form, produced after January 1, 1944, except to fill orders by or for the account of the United States Army or Navy, the Maritime Commission, War Shipping Administration or the Veterans Administration, for incorporation in the manufacture of aircraft, and aircraft equipment, parachutes or barrage balloons.*

(2) *The WPB may authorize the use of such natural rubber thread for other essential military purposes when it is established that synthetic rubber thread is unsuitable therefor. Applications for permission to use such natural rubber thread may be made by letter giving the name of the contracting agency, the contract number, the end use and pounds required, and the core size of such natural rubber thread.*

(c) *Preference ratings for synthetic rubber thread.* The War Production Board may assign ratings for synthetic rubber thread for incorporation into any item listed on Schedule A. Any person requesting priority assistance must file a letter of application at least 15 days prior to commencement of a calendar quarter. The letter shall state (1) type of product on List A and quantity of each type to be manufactured in the quarter; (2) poundage of each core size of synthetic rubber

thread requested, indicating whether covered or bare; and (3) his 1943 average quarterly production of each type of product, together with a statement of his 1943 average quarterly poundage of consumption of natural and synthetic rubber thread for the manufacture of such products. Such letter should be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C. So far as is practicable, priority assistance will be granted to produce the quantity of the particular item manufactured by the applicant from natural or synthetic rubber thread on the basis of his average quarterly production in 1943. If sufficient synthetic rubber thread is available, the quantities will be increased proportionately. If the supply of particular core sizes is insufficient for all requirements, applications will generally be granted for a percentage of the available supply based on the applicant's use of that size in his average quarterly consumption in 1943. If an applicant did not produce the particular item in 1943, priority assistance will be granted on an equitable basis within the limits of the available supply of synthetic rubber thread whenever production by such applicant will not require materials, components, facilities or labor needed for war purposes, and will not otherwise adversely affect or interfere with the production for war purposes.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Communications.* All reports required to be filed under, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing, and Leather Division, Washington 25, D. C., Ref: M-124.

(f) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Equitable distribution.* It is the policy of the War Production Board that rubber yarn, latex yarn, elastic thread and all types of synthetic rubber yarn and thread not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the

seller's regularly established prices and terms of sale or payment. Under this policy every seller of such products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

Issued this 1st day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHILLAN,  
Recording Secretary.

#### SCHEDULE A

##### Safety equipment items:

Goggles.  
Gas masks.  
Protective sleeves.  
Protective helmets and caps.  
Respirators.  
Sweatbands.  
Face shields.

Inhalators and oxygen breathing apparatus.  
Hosiery garter for infant's shoes.  
Elastic health and surgical items:  
Elastic artificial limb webbing.  
Elastic truss webbing.  
Elastic arch supports.  
Elastic abdominal belts.  
Elastic sacro-iliac belts.  
Elastic kidney belts.  
Elastic colostomy belts.  
Elastic maternity supports.  
Elastic anklets.  
Elastic lace caps.  
Elastic shoulder caps.  
Elastic garter for surgical and maternity belts.  
Elastic surgical bandages.  
Elastic gynecaries.  
Elastic athletic supporters.  
Elastic stockings, one-way stretch.  
Elastic stockings, two-way stretch.

[P. R. Dec. 44-16273; Filed, Dec. 1, 1944; 11:27 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-323B, Supp. IX to Schedule A]

The following Supplement IX to Schedule A is issued pursuant to Conservation Order M-323B. (§ 3290.120a):

#### NAVY OFFICERS' SUMMER UNIFORMS PROGRAM

Items	Fabrics
Item No. 1. Navy Officers' Summer Uniforms...	Worsted Tropical, 9 oz. to 10 oz. 100% wool—2 ply warp.
2. Navy Officers' Summer Uniforms...	Worsted Gabardine, 10 oz. to 12 oz. 100% wool—2 ply warp. (Fabric weights per linear yard based on 55" to 63" width).

Application Form WPB-3733.  
Filing date December 18, 1944.

The above items are required to be produced during February, March, April and May, 1945. Priorities assistance will be given only for worsted tropical and worsted gabardine specified above to manufacturers of naval officers' summer uniforms who have produced at least 50 naval officers' summer uniforms in any 6 months period during 1943 or 1944.

No applications will be considered for less than 4 pieces of cloth of a construction (pieces average 60 to 80 yards). The priorities assistance which will be granted under this program may not be used on an order for less than 4 pieces of cloth.

Applicants whose applications are granted are required to place their orders for materials for delivery during January, February and March, 1945 in as nearly equal monthly proportions as is practicable.

The uniforms required to be produced under this program must be in accordance with the U. S. Navy Regulations prescribing the summer uniform to be worn by officers of the Navy or Coast Guard. The priorities assistance may be used only to obtain the fabrics specified above dyed "slate gray" to match the standard shade of which campers are available at the Naval Uniform Shop at 29th Street and 3rd Avenue, Brooklyn, New York.

The total amount of materials for which priorities assistance will be granted under this program is limited. If the applications received exceed the total quantity of mate-

rials allotted to this program, applications will be granted pro rata.

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHILLAN,  
Recording Secretary.

[P. R. Dec. 44-16312; Filed, Dec. 2, 1944; 11:41 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-633]

ACME MANUFACTURING CO.

R. C. Shinn doing business as Acme Manufacturing Company is engaged in the manufacture of venetian blinds for retail and wholesale distribution at Oklahoma City, Oklahoma. Under War Production Board Limitation Order L-260-3, as amended December 4, 1943 and February 26, 1944, respondent's allowable consumption of slats for the first quarter of 1944 was approximately 341,657 lineal feet. The War Production Board granted respondent preference rating of 20% AA-1 and 80% AA-3. During the first quarter of 1944, respondent used 400,104 lineal feet of venetian blind slats. Respondent placed



orders for 2,870,000 lineal feet of slats to be delivered during the first quarter of 1944 and extended thereafter preference ratings of 20% AA-1 and 80% AA-3. The excessive use of slats was made by respondent with full knowledge of the restrictions and provisions of War Production Board Limitation Order L-260-a and in wilful violation of said order. The excessive placing of orders, on respondent's part was also in wilful violation of War Production Board Priorities Regulation 3, as amended December 18, 1943 and February 26, 1944, paragraphs (g) (7) and (c) (3).

These violations have diverted critical materials to uses not authorized by the War Production Board and have interfered with the allocation controls established by the War Production Board, and have hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

**§ 1010.663 Suspension Order No. S-663.**

(a) R. C. Shinn doing business as Acme Manufacturing Company shall not for four months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) All preference ratings, allotments, and allocations presently outstanding in connection with orders for delivery of materials to R. C. Shinn doing business as Acme Manufacturing Company or placed prior to four months after the effective date of this order are void and shall not be given any effect by suppliers of R. C. Shinn doing business as Acme Manufacturing Company or by any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(c) The restrictions and prohibitions contained herein shall apply to R. C. Shinn doing business as Acme Manufacturing Company, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on December 3, 1944.

Issued this 23d day of November 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18353; Filed, Dec. 2, 1944;  
4:14 p. m.]

**PART 1010—SUSPENSION ORDERS**

[Suspension Order S-667]

**KINDLEY COTTON MILLS**

A. N. James, doing business under the trade name of Kindley Cotton Mills at Mt. Pleasant, N. C. is engaged in the manufacture of cotton textiles. On January 12, 1944 he received an order bearing a rating of AA-4 for 25,000 lbs. of yarn 20/20, and again on March 13, 1944 he

received an order bearing a rating of AA-4 for 25,000 lbs. of yarn, 20/30. He refused to accept or fill each of these rated orders but instead used the yarns which he had on hand to fill orders bearing preference ratings lower than AA-4 or to fill orders bearing no preference ratings at all, in violation of Priorities Regulation No. 1. During the first quarter of 1944, A. N. James produced a total of 281,159 lbs. of blended and natural yarns. During this period he was required to deliver or set aside for later delivery 140,579 lbs. of such yarns for the fulfillment of rated orders, but only delivered or set aside for later delivery 77,703 lbs. of his total yarn production pursuant to rated orders, in violation of Conservation Order M-317.

A. N. James was familiar with the provisions of Conservation Order M-317, and his actions constituted wilful violations of that order. These violations have diverted critical materials not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

**§ 1010.667 Suspension Order No. S-667.**

(a) A. N. James, doing business as Kindley Cotton Mills, or otherwise, his and its successors and assigns, during the three months period beginning January 1, 1945 and ending March 31, 1945 shall deliver or set aside for later delivery on rated orders 31,438 lbs. of cotton yarn in excess of the amount required to be so set aside by General Conservation Order M-317.

(b) A. N. James, doing business as the Kindley Cotton Mills, or otherwise, his and its successors and assigns, during the three months period beginning April 1, 1945 and ending June 30, 1945 shall deliver or set aside for later delivery on rated orders 31,438 lbs. of cotton yarn in excess of the amount required to be so set aside by General Conservation Order M-317.

(c) Nothing contained in this order shall be deemed to relieve A. N. James, doing business as Kindley Cotton Mills or otherwise, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18354; Filed, Dec. 2, 1944;  
4:14 p. m.]

**PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM**

[Priorities Reg. 13, as Amended Nov. 22, 1944, Amdt. 1]

Section 944.34 *Priorities Regulation* 13 is hereby amended as follows:

1. List A, Part III, Page 6, under Rubber delete "Balata".

2. List A, Part IV, Column 1, Page 7, delete note reference 7 and corresponding note in Column 4 reading: "Elec-

tronic parts or equipments may not be sold as scrap if operable or salable as electronic parts or units".

3. List A, Part IV, Page 8, under Electronic Parts and Equipment, delete listings:

Connectors:  
Jones 300 series..... PR-AA5 PR-AA6  
AN type..... PR-AA5 PR-AA6  
Toggle Switches..... PR-AA5 PR-AA6

4. List A, Part IV, Page 8, Electronic Parts and Equipment, amend Note 11 to read: "May not be sold to tube reproducers except on specific authorization from the War Production Board".

5. List A, Part IV, Page 8, Electronic Parts and Equipment, delete single asterisk after the words "Other tubes" in Column 1 and the corresponding note in Column 4 reading: "May not be sold to tube producers except on same rating as specified in Column 2".

6. List B, Part IV, Page 12, under Electronic Parts and Equipment, delete listings:

Connectors:  
Jones 300 series..... PR-AA5 PR-AA6  
AN type..... PR-AA5 PR-AA6  
Toggle Switches..... PR-AA5 PR-AA6

Issued this 2d day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18352; Filed, Dec. 2, 1944;  
4:14 p. m.]

**PART 1226—GENERAL INDUSTRIAL EQUIPMENT**

[Limitation Order L-341, as Amended Dec. 4, 1944]

**COMMERCIAL TYPE ELECTRIC MOTORS**

Section 1226.140 *Limitation Order L-341* is amended to read:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electric motors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

**§ 1226.140 Limitation Order L-341—**

(a) *Types of motors affected.* This order applies only to the following kinds of new electric motors (not including electric generators, but including such motors furnished in motor-generator sets):

(1) Fractional horsepower AC motors of all sizes and types, including universal (AC-DC) motors, except specially designed airborne and shock proof shipboard types; and

(2) Single phase AC motors in sizes one to five horsepower, inclusive, except specially designed airborne and shock proof shipboard types.

Motors of these kinds are referred to in this order as "commercial motors".

(b) *All receipts of over 450 fractionals, or 75 integrals, per quarter, must be certified for.* (1) Every person who receives more than 450 fractional or 75 integral commercial motors from all sources and for any purpose whatever, during the first calendar quarter 1945 or any subse-

quent calendar quarter, must furnish each of his suppliers of such motors a written certificate, signed by the person placing the order or a responsible individual who is duly authorized to sign for him, substantially as follows:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L-341 of the War Production Board, and that all purchases from you of items regulated by that order and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

(2) Such a certificate must be given the motor supplier before he may deliver or the purchaser may receive any quantities in excess of those stated above during any calendar quarter. The standard certification referred to in Priorities Regulation 7 may not be used instead of that described above. The one-time certification described in that Regulation may be used only by a person not required to file the applications specified in paragraph (c) below. If the motors are for purposes for which an authorization is required by paragraph (c) below, the person placing the order must also state the case number of the authorization which permits the delivery, placing this statement at the end of the certificate. The certificate should be given the motor supplier as soon as practicable, for each quarter or otherwise, as the case may be.

(3) No person may deliver commercial motors to or for the account of any other person during any calendar quarter (commencing January 1, 1945) in quantities in excess of 450 fractional commercial motors or 75 integral commercial motors per quarter, unless he has received such a certificate from the person placing the order; and he must not deliver any commercial motors to or for the account of a person from whom he does receive a certificate if he knows or has reason to believe that the certificate furnished is false or inaccurate. Each supplier must keep all accepted orders and certificates which he receives for a period of two years for inspection by the War Production Board.

(4) If the person placing the order arranges to have delivery made to his distributor, dealer, or any other person, the certificate must be given to the motor supplier by the person placing the order, or making the arrangement or commitment with the motor supplier.

(5) Such certificate is not required for deliveries made during the fourth quarter, 1944, but no supplier may make any deliveries of commercial motors during that quarter to any customer if he knows or has reason to believe that the customer should have filed an application and has not done so, or that the customer is attempting to receive commercial motors in quantities in excess of those permitted; nor may any person receive deliveries in excess of such quantities.

(c) *Receipt of over 450 fractionals or 75 integrals per quarter for certain purposes requires specific authorization.*

(1) Every person who has ordered or hereafter orders, for delivery from all sources during any one calendar quarter, a total of more than 450 fractional horsepower commercial motors, or more than 75 integral commercial motors, to be used for any of the following purposes, must file an application with the War Production Board:

(i) For incorporation into other products which he makes, or

(ii) For sale as a driving unit, accessory, or replacement part for other products which he makes or sells, (even though the motors are not actually incorporated into such other products by him).

(Applications and authorizations are not required under this order for motors for export, or for installation and operation in the purchaser's own plant. They are not required for motors for sale as replacement parts, if the motors are received by December 31, 1944, but are required after that date).

(2) A person who receives commercial motors for the purposes stated in paragraph (c) (1), and also for distribution independently of any other products which he sells, need not file the application for those which he will distribute independently. However, if he does not know what number he will distribute independently, he must assume that he will sell, for the purposes stated in paragraph (c) (1) above, at least as many motors as the number of such other products which he plans to produce, or has ordered for delivery without the motors, during the same calendar quarter, if he has ordered that many motors.

(3) A person who receives commercial motors covered by an application made under this order must use the motors only for the purposes stated in paragraph (c) (1) above. Similarly, a person who receives commercial motors in the quantities referred to in paragraph (c) (1) but not for any of the purposes stated in that paragraph, and without having received an authorization, may not use them for the purposes stated in that paragraph.

(4) If in any case the person who places the order arranges to have delivery made to his distributor, dealer, or any other person, for any of the purposes stated in paragraph (c) (1) above, the application must be filed by the person placing the order, or making the commitment or arrangement with the motor supplier.

(5) A person who has placed orders for quantities in excess of those indicated, but who reduces, postpones, or cancels his orders so that they amount to less than such quantities, and does not receive more than that amount, need not apply for or receive an authorization.

(d) *Individual applications and authorizations.* (1) Applications must be made on Form WPB-3825 (as revised Nov. 15, 1944) prepared in accordance with the instructions for that form, and

should be filed on or before the 10th day of December, 1944, and the 10th day of the month preceding the second calendar quarter, 1945, and each subsequent calendar quarter.

(2) The War Production Board will issue individual authorizations to each applicant showing the quantities of commercial motors which he is authorized to receive under this order during the calendar quarter to which the authorization relates. No person shall receive commercial motors in excess of the quantities so authorized, for the purposes stated in paragraph (c) (1) above, even though he has a preference rating for them or has been authorized to receive them under some other order, regulation or certificate of the War Production Board, if he does not obtain authorization for them under this order. If the purchaser's outstanding orders may result in receipts in excess of the quantities so authorized, he must reduce, postpone or cancel his unfilled orders to such extent as may be necessary to prevent his receipts from exceeding the quantities authorized. He must also furnish the certificates required under paragraph (b) above, and must show case numbers of authorizations which he has received for the quarter. Detailed rules applicable to authorizations on Form WPB-3825 are stated in Schedule A of this order.

(3) The War Production Board may authorize receipts of less than the quantities applied for when it finds that such quantities appear to be in excess of the minimum practicable amounts required to fulfill the applicant's authorized production schedules, or in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the products which he produces or distributes, or when some adjustment in receipts is necessary in order to assure the fulfillment of War Production Board programs, or to bring requested shipments and production in balance.

(4) An authorization issued under this order does not entitle any one to order or receive more commercial motors than he is permitted under other applicable orders and regulations of the War Production Board, nor does it constitute the assignment of a preference rating of AA-5 under § 844.1b of Priorities Regulation No. 1 or require any supplier to furnish the quantities authorized. Its purpose is to establish the maximum quantities which a purchaser may receive for certain purposes during a given period, regardless of the preference ratings which he may be otherwise authorized to apply or extend.

(5) An authorization must be obtained to permit receipts by one department (a branch, division, or section) of a single organization from another department of the same organization when the motors are to be used by the department receiving them for any of the purposes stated in paragraph (c) (1) above, if that department's receipts for such pur-

poses in any quarter are to exceed the quantities indicated.

(6) (i) If a person who was not required to file an application on the quarterly filing date should thereafter wish to increase his receipts to an amount in excess of that stated in paragraph (c) (1) above, or if a person who did file should thereafter wish to increase his receipts, he is not required to apply for and receive an authorization before placing his additional orders, and may wait until the next quarterly filing date to file the application. However, he may not accept delivery of the additional quantity until he receives an authorization (which will authorize his aggregate receipts when he has not previously filed). He must also furnish his suppliers the certificate and authorization case numbers of each authorization, as required in paragraph (b).

(ii) If an applicant finds it necessary, after he has applied for or received an authorization, to change his order or orders from one type or size of fractional horsepower commercial motor to another type or size, or from one type or size of an integral commercial horsepower motor, he may do so, unless the authorization given him states otherwise, if he does not increase his receipts of any one rating (horsepower and speed) of motor by more than 25% of the quantity permitted him in that rating by the authorization, and does not increase the aggregate number of fractional horsepower commercial motors, or the aggregate number of integral horsepower commercial motors, permitted him by the authorization. If his proposed change does not meet these conditions, he must file a new application and get an authorization for the increase, before he may receive delivery of it.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provision of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: General Industrial Equipment Division, War Production Board, Washington 25, D. C. Ref.: L-341.

NOTE: The reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

**SCHEDULE A—RULES APPLICABLE TO AUTHORIZATIONS ON WPB-3825**

The following rules apply to persons who file applications and receive authorizations on Form WPB-3825 for receipt of commercial motors in the first quarter of 1945, or any subsequent quarter, in addition to the rules set out in the order:

1. Deliveries which the applicant has shown as "Required" on his WPB-3825 application may be received during the calendar quarter to which it relates, unless a different quantity is indicated in the column headed "Authorized", in which event he may not receive quantities in excess of those so indicated.

2. If the quantities authorized are greater than the quantities promised by his suppliers, he may notify his suppliers as to the quantities he has been authorized to receive (although this, of course, does not permit him to receive more than the aggregate quantities permitted by other orders or regulations, or preference ratings which he is otherwise permitted to apply or extend). If the supplier or suppliers, listed on his WPB-3825 application, are unable to meet his requirements for the quantities authorized over and above those promised, he may secure such additional motors during the calendar quarter from other suppliers.

3. If the quantities authorized are less than the quantities which the applicant has ordered or been promised, he must reduce, postpone, or cancel his orders, to the extent necessary to bring receipts during the quarter within the quantities authorized.

4. In some instances there may be two or more suppliers of a particular rating of motor, the authorized delivery of which is lower than the suppliers' promises. In such cases it may be left to the applicant's choice to select those suppliers who shall be asked to reduce their delivery to him, and as an indication that the choice is left to him, the several suppliers from whom he is authorized to receive delivery of a particular motor will be shown by bracketing their names into one authorization in the "Authorization" column, or by other suitable means.

5. Within 10 days after receipt of authorization on Form WPB-3825, the applicant must notify his supplier or suppliers to reduce their deliveries to him, to the extent required by the authorization, and must also furnish the suppliers the certificate with the case number of his authorization, as required by paragraph (b) of Order L-341. The notification to the supplier should mention not only his purchase order number, but also the motor horsepower and speed and the "E" product code number to which the reduced authorization applies.

[F. R. Doc. 44-18362; Filed, Dec. 4, 1944; 11:19 a. m.]

**PART 1226—GENERAL INDUSTRIAL EQUIPMENT**

[Limitation Order L-341, Direction 1 as Amended Dec. 4, 1944]

**RECEIPT OF COMMERCIAL MOTORS IN THE FOURTH QUARTER OF 1944**

The following direction is issued pursuant to Limitation Order L-341:

This direction applies only to persons who are required by Order L-341 to file applications on Form WPB-3825 for receipt of commercial motors in the fourth quarter of 1944. If you apply for and receive authorization and direction on Form WPB-3825 showing the quantities of commercial motors which you are permitted to receive during the fourth calendar quarter of 1944, the following rules apply:

1. Deliveries to you which you have shown as "Required" on your WPB-3825 application may be received during the fourth quarter of 1944, unless a different quantity is indicated in the column headed "Authorized", in which event you may not receive quantities in excess of those so indicated.

2. If the quantities authorized are greater than the quantities promised by your suppliers, you may notify the suppliers as to the quantities you have been authorized to receive (although this, of course, does not permit you to receive more than the aggregate quantities permitted by other orders or regulations, or preference ratings which you are otherwise permitted to apply or extend). If the supplier or suppliers, listed on your WPB-3825 application, are unable to meet your requirements for the quantities authorized over and above those promised, you may secure such additional motors, if possible, from other suppliers.

3. If the quantities authorized are less than the quantities which you have ordered or been promised, you must reduce, postpone or cancel your orders to the extent necessary to bring your receipts during the quarter within the quantities authorized.

4. In some instances there may be two or more suppliers of a particular rating of motor, the authorized delivery of which is lower than the manufacturers' promises. In such cases it may be left to your choice to select those suppliers who shall be asked to reduce their deliveries to you, and as an indication that the choice is left to you, the several suppliers of a particular motor will be bracketed into one authorization in the "Authorization" column, or by other suitable means. Within ten days after receipt of authorization and direction on Form WPB-3825 you shall notify your supplier, or suppliers, to reduce their deliveries to you to the extent required by the authorization and direction and a copy of your notification(s) should be sent to the Fractional Horsepower Motor Section, General Industrial Equipment Division, War Production Board, Washington 25, D. C. The notification should mention not only your purchase order number, but also the motor horsepower and speed and the "E" product code number to which the reduced authorization applies.

5. This direction applies to receipts of commercial motors in the fourth quarter of 1944 only, and expires December 31, 1944.

Any questions concerning this direction should be directed to the Fractional Horsepower Motor Section, General Industrial Equipment Division, War Production Board, Washington 25, D. C.

Issued this 4th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18363; Filed, Dec. 4, 1944; 11:19 a. m.]

## PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 9, as Amended Dec. 4, 1944]

## RADIO AND RADAR DIVISION

§ 3208.10 Table for Radio and Radar Division. The following amended table is issued pursuant to the provisions of General Scheduling Order M-293. Para-

graph (2) of General Scheduling Order M-293 does not apply to products on this Table 9. Wherever the designation "Y" on this table applies to purchase orders for more than a certain amount, or more than a certain number of units, no person shall avoid the provisions of the order which relate to "Y" products by subdividing his purchase orders.

NOTE: Items 4 and 12 amended, and item 13 added, Dec. 4, 1944.

Type of scheduled products M-293	Designation	Applicable forms column			
		1	2	3	4*
1. Capacitors (fixed)		3202.17	3201		2 mms.
a. Ceramic capacitors		3202.17	3201		2 mms.
b. Electrolytic capacitors		3202.17	3201		2 mms.
c. Mica capacitors		3202.17	3201		2 mms.
d. Paper capacitors		3202.17	3201		2 mms.
e. Capacitors for power factor correction (rated in K. V. A.)		3202.17	3201		2 mms.
2. Coaxial cable—radio frequency		3202.10	3201		2 mms.
a. Solid-dielectric synthetic-insulation		3202.10	3201		2 mms.
b. Gas- or air-filled rigid lines		3202.10	3201		2 mms.
3. Resistors, fixed and variable		3202.19	3201		2 mms.
4. Transformers		3202.31	3201		2 mms.
a. Transformers, reactors, and chokes for non-power (electronic) applications only		3202.31	3201		2 mms.
b. Transformers, specialty		3202.31	3201		2 mms.
c. Any order for transformers, reactors, or chokes for non-power (electronic) applications, which is not identified by contract or file number with an Army, Navy, Maritime Commission or War Shipping Administration contract or procurement.	Y			1632	
5. Vibrapacks & vibrators, electronic		3202.23	3201		2 mms.
6. Microphones & loud speakers		3202.22	3201		2 mms.
7. Switches, radio & radar		3202.24	3201		2 mms.
a. High frequency circuit switches (1 Ampere maximum)		3202.24	3201		2 mms.
b. Jack switches		3202.24	3201		2 mms.
c. Anti-capacity switches		3202.24	3201		2 mms.
8. Electrical instruments (including test instruments and test equipment). A measuring mechanism the indicator of which registers a change in an electrical quantity. This shall not include: (1) Any polarized vane instrument made with metal bearings and normally used in automotive vehicles and mobile construction machinery; or (2) any electrical aircraft self-synchronous indicator or transmitter; or (3) test equipment made for his own use by a manufacturer who does not offer a similar type of test equipment for sale commercially.					
a. Panel indicating instruments.** An electrical instrument for switchboard or panel mounting and normally connected to a circuit for continual measurement. This definition includes instrument mechanisms and instrument relays made therefrom; also, small panel, switchboard, and electrical aircraft instruments.	X	1635	1635		1 mms.
(i) Any order for 500 or more identical panel indicating instruments.	Y			1632	
(ii) Any order for any type of panel indicating instrument having a full scale deflection resulting from a current of 100 microamperes or less.	Y			1632	
b. Integrating instruments. Electrical instruments which indicate the value of an electrical function with respect to time. This includes domestic and commercial watt-hour meters, demand meters, total hour meters, and ampere-hour meters.		1635	1635		1 mms.
c. Graphic instruments. (Panel and portable types.) Electrical instruments which record the present value of an electrical quantity with respect to time by means of a moving chart. This includes only electrical graphic instruments designed and used primarily for the measurement of electrical quantities. This does not include temperature or pressure recording and controlling graphic instruments.		1635	1635		1 mms.
d. Electrical test instruments. An electrical instrument of the general types listed below which is normally connected to the circuit under test for a temporary reading. The model number designations below apply to the instruments which are given that identification by the manufacturer, and the provisions of this order apply to these instruments regardless of any different identification given them on purchase orders or otherwise. No person shall avoid the provisions of this order by changing any model number designation specified below.		3202.21	3201.21		3 mms.
(i) Testers:					
(a) Electronic testers—includes Vacuum Tube Voltmeters, electronic (all models):		3202.21	3201.21		3 mms.
Hewlett Packard Company: Model 609-A	XY	3202.21	3201.21	3215	3 mms.
Ballantine Laboratories: Model 609-A	XY	3202.21	3201.21	3215	3 mms.
Alfred Barber Laboratories: Model V21-27	XY	3202.21	3201.21	3215	3 mms.
General Radio Company: Model 725-A	XY	3202.21	3201.21	3215	3 mms.
Hickok Elect. Instr. Co.:					
Model 110	XY	3202.21	3201.21	3215	3 mms.
Model 202	XY	3202.21	3201.21	3215	3 mms.
Radio City Products:					
Model 603-A	XY	3202.21	3201.21	3215	3 mms.
Model 604	XY	3202.21	3201.21	3215	3 mms.
Precision Apparatus Co.:					
Model EV-10	XY	3202.21	3201.21	3215	3 mms.
Model I-107	XY	3202.21	3201.21	3215	3 mms.
Radio Corp. of America: Model 105-A	XY	3202.21	3201.21	3215	3 mms.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3202.21			3215

\*Where a product is designated "XY" on this table, the time interval in Column 4 does not in any way change or limit frozen schedules which have been established for longer periods on purchase orders approved under the "Y" procedure on Forms 3243, 1632, or 1319.

\*\*All purchase orders for panel indicating instruments, except purchase orders of the kinds stated in Items 8a. (i) and 8a. (ii), may now be placed without prior approval on Forms WPB-1632.

Type of scheduled products M-293	Designation	Applicable forms column			
		1	2	3	4
<b>8. Electrical instruments—Continued.</b>					
<b>d. Electrical test instruments—Continued.</b>					
<b>(i) Testers—Continued.</b>					
(b) High sensitivity (20,000 ohms per volt and over, not electronic) Volt-ohmmeters, and Volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges.		3002.21	3001.21		3 mos.
Hickok Elect. Instr. Co.: Model 133-B.....	XY	3002.21	3001.21	3243	3 mos.
Precision Apparatus Co.: Model 856.....	XY	3002.21	3001.21	3243	3 mos.
Simpson Electric Company: Model 230.....	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.: Model 542.....	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.: Model 1600-E.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.:					
Model 663.....	XY	3002.21	3001.21	3243	3 mos.
Model 772.....	XY	3002.21	3001.21	3243	3 mos.
Model 785 (all types).....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	
(c) Medium sensitivity (5,000 to 19,000 ohms per volt sensitivity) Volt-Ohmmeter, Volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges.		3002.21	3001.21		3 mos.
Simpson Electric Company: Model 215.....	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.: Model 542.....	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.: Model 666-S.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	
(d) Low sensitivity (below 5,000 ohms per volt sensitivity) Volt-Ohmmeter, Volt-Ohm-Milliammeter, including instruments with decibel and capacity ranges.		3002.21	3001.21		3 mos.
Precision Apparatus Company: Model 844.....	XY	3002.21	3001.21	3243	3 mos.
Simpson Electric Company:					
Model 230.....	XY	3002.21	3001.21	3243	3 mos.
Model 240.....	XY	3002.21	3001.21	3243	3 mos.
Model 443.....	XY	3002.21	3001.21	3243	3 mos.
Model 324.....	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.:					
Model 537.....	XY	3002.21	3001.21	3243	3 mos.
Model 543.....	XY	3002.21	3001.21	3243	3 mos.
Model 543-S (TE-50).....	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.:					
Model 666.....	XY	3002.21	3001.21	3243	3 mos.
Model 666-H.....	XY	3002.21	3001.21	3243	3 mos.
Model 1200-A.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.:					
Model 564.....	XY	3002.21	3001.21	3243	3 mos.
Model 665.....	XY	3002.21	3001.21	3243	3 mos.
Model 697.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	
(ii) Electronic tube checkers (all types including combination tube checkers and set testers):		3002.21	3001.21		3 mos.
General Communications Co.: Electronic Tube Tester.....	XY	3002.21	3001.21	3243	3 mos.
Hickok Elect. Instr. Co.:					
Model 510-X.....	XY	3002.21	3001.21	3243	3 mos.
Model 530.....	XY	3002.21	3001.21	3243	3 mos.
Model 540.....	XY	3002.21	3001.21	3243	3 mos.
Model 545 (I-177).....	XY	3002.21	3001.21	3243	3 mos.
Model 550-X (Navy OZ).....	XY	3002.21	3001.21	3243	3 mos.
Model 560.....	XY	3002.21	3001.21	3243	3 mos.
Precision Apparatus Company:					
Model 910.....	XY	3002.21	3001.21	3243	3 mos.
Model 920.....	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.: Model 504-A.....	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.:					
Model 1213.....	XY	3002.21	3001.21	3243	3 mos.
Model 1612.....	XY	3002.21	3001.21	3243	3 mos.
Model 1613.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	
(iii) Output meters.....		3002.21	3001.21		3 mos.
Daven Company:					
Model D-180.....	XY	3002.21	3001.21	3243	3 mos.
Model I-61.....	XY	3002.21	3001.21	3243	3 mos.
Model I-83.....	XY	3002.21	3001.21	3243	3 mos.
General Radio Company:					
Model 483-F.....	XY	3002.21	3001.21	3243	3 mos.
Model 583-A.....	XY	3002.21	3001.21	3243	3 mos.
Simpson Electric Company: Model 427.....	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.: Model 650-SG.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.:					
Model 571.....	XY	3002.21	3001.21	3243	3 mos.
Model 695 (all types).....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	
(iv) Ohmmeters, Megohmmeters, and Megger Testers.....		3002.21	3001.21		3 mos.
Associated Research, Inc.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Biddle, James G., Company:					
Model 7671.....	XY	3002.21	3001.21	3243	3 mos.
Model 7672.....	XY	3002.21	3001.21	3243	3 mos.
Model 7673.....	XY	3002.21	3001.21	3243	3 mos.
Model 7674.....	XY	3002.21	3001.21	3243	3 mos.
Model 7675.....	XY	3002.21	3001.21	3243	3 mos.
Model 7676.....	XY	3002.21	3001.21	3243	3 mos.
Model 7679.....	XY	3002.21	3001.21	3243	3 mos.
Model 703.....	XY	3002.21	3001.21	3243	3 mos.
Model 704.....	XY	3002.21	3001.21	3243	3 mos.
Model 705.....	XY	3002.21	3001.21	3243	3 mos.
Herman Sticht & Co.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.: Model 788.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 2 or more units of all other models of the above manufacturers and of all models of other manufacturers.	Y	3002.21		3243	





use waxed paper for any purpose listed in Schedule B unless the waxed paper conforms to the provisions in the schedule.

(c) *How this order affects manufacturers, sellers and users.* This order applies to all manufacturers and sellers of waxed paper who know or have reason to know for what purpose the paper is going to be used. It applies to all users of waxed paper who use more than 200 pounds of it per month.

(d) *Inventory restrictions.* (1) No person whose inventory exceeds 4,000 pounds of waxed paper shall accept any delivery of waxed paper which will give him more than a 90 days' supply, in his possession and in transit, based on his then current rate of consumption or distribution of waxed paper. Also, if he has waxed paper manufactured for his account, he shall not accept delivery or order any to be manufactured so as to give him more than 120 days' supply including the waxed paper in all manufacturers' hands. If a person uses different kinds of waxed paper for different purposes, these restrictions apply to each separately.

(2) No person shall manufacture or distribute waxed paper if he knows or has reason to know that this will result in a violation by his customer of subparagraph (1) above.

(e) *Household paper not covered.* This order does not apply to household waxed paper in cutter boxes. This is covered by Schedule X of Order L-120.

(f) *Exemptions for military requirements.* This order does not apply to the manufacture, sale, delivery or use of waxed paper to the extent required by specifications of the Army or Navy, Maritime Commission, the War Shipping Administration, the Office of Scientific Research and Development, or of any lend-lease contract, or of any contract or order for food products for export.

(g) *Exemption of paper already processed.* (1) If paper has been processed before September 22, 1943 for purposes of waxing, and, for the uses intended, is at variance with the basis weights shown in column 3 of Schedule B it may be further processed, sold, delivered, received or used without regard to this order.

(2) Waxed paper which was in inventory or processed on September 22, 1943 so that it is not practicable to use or dispose of it for a purpose permitted by this order may be used, delivered or received without regard to this order.

(h) *Definitions.* (1) "Waxed paper" as used in this order, means any paper of any grade or type which is coated or impregnated on the exterior surfaces with any petroleum wax. Basis weights shall be calculated according to a standard ream of 500 sheets 24" x 36" with a 5% tolerance. It does not include paper which is sized in the paper mill with petroleum wax.

(2) "Laminated" means two or more sheets of paper each joined with a layer of petroleum wax whether impregnated or coated on the outside or not.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable reg-

ulations of the War Production Board, as amended from time to time.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Pulp and Paper Division, Washington (25), D. C. Ref: M-351.

Issued this 4th day of December 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,  
Recording Secretary.

SCHEDULE A OF ORDER M-351

#### PROHIBITED USES

The manufacture, sale, delivery or use of waxed paper is prohibited for wrapping or packaging the following products:

(a) Bread and bakery products (excluding crackers and biscuits) when used in any fashion in addition to any other paper wrapper, either waxed or not waxed, except end seals, and except that one paper outsert not wider than 3" may be used in addition to waxed paper for bread and bakery products when the outsert serves as the only label identification or when it is required for label correction.

(b) Cereals, sugar and salt, when used in any fashion in addition to any other paper, either waxed or not. Laminated wrappers shall not be used.

(c) Butter, either single or laminated, when used as a carton overwrap; or if used as a carton liner or innerwrap, in addition to vegetable parchment.

(d) Oleomargarine, when used as a carton overwrap, either single or laminated.

(e) Candy, candy products and confections (except popcorn products) when used as follows:

(1) As a container liner in addition to bon bon cups or any other protection for individual pieces.

(2) As a container layer sheet in connection with layer board when similarly employed.

(3) In addition to any wrapper of waxed paper, cellophane, glassine, greaseproof, vegetable parchment or super-calendered sulphite, except that waxed paper may be used for individual packages or pieces which are assembled into a retail unit and held together in package form by a separate overwrap.

(4) As a carton overwrap in addition to any other waxed paper similarly employed. Laminated carton overwraps shall not be used.

(5) Soap, when used in any fashion in addition to any other waxed paper wrapper. Laminated paper shall not be used except for a product for which it was regularly used before September 22, 1943.

(g) Chewing gum, when used as follows:

(1) As a wrapper for individual sticks or pieces, in addition to any other waxed paper wrapper similarly employed.

(2) As a wrapper for package combinations of more than one stick or piece in addition to any other waxed paper wrapper similarly employed.

(3) As a carton overwrap in addition to any other waxed paper similarly employed. Laminated carton overwraps shall not be used.

(h) Bottled and canned goods, either single or laminated.

[F. R. Doc. 44-18366; Filed, Dec. 4, 1944; 11:19 a. m.]

#### PART 3294—IRON AND STEEL PRODUCTION [Order M-21-b-1, Direction 3]

#### TO INCREASE WAREHOUSE STOCKS OF GENERAL STEEL PRODUCTS

The following direction is issued pursuant to Order M-21-b-1:

(a) *What this direction does.* It is the desire of the War Production Board that warehouse stocks of steel products used in manufacturing operations be maintained at the highest level possible under existing conditions in order that the small and emergency steel demands of industry can be met promptly. To this end the War Production Board will allow reasonable increases in such stocks from current production when they can be effected without interfering with the completion of war production on schedule. The present rules incorporated in Order M-21-b-1 for the replacement of general steel products sold from warehouse stock allow for no expansion of inventory unless a distributor is able to buy such products from idle or excess stock. Accordingly, the following direction is issued to Order M-21-b-1 pursuant to the provisions of paragraph (h) (5) of that order.

(b) *Special purchase authority—(1) Pacific Coast States.* Inventories of general steel products in warehouses located in the Pacific Coast region are generally much smaller in relation to current sales than in any other region of the United States. Accordingly, prior to February 1, 1945, each distributor of general steel products located in the States of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington is authorized to place orders for any general steel products with producers or other distributors for delivery to his stock during the first or second quarter of 1945 for not to exceed 35% of whichever is the greater of (1) his total deliveries of such products from his warehouse stock during the third calendar quarter of 1944 or (2) his total base tonnage of all general steel products.

(2) *All other States, including U. S. Territorial Possessions.* Prior to February 1, 1945, each distributor of general steel products located in any state or United States Territorial Possession outside of the seven states named in paragraph (b) (1) above is authorized to place orders for any general steel products with producers or other distributors for delivery to his stock during the first or second quarter of 1945 for not to exceed 25% of whichever is the greater of (1) his total deliveries of such products from his warehouse stock during the third calendar quarter of 1944 or (2) his total base tonnage of all general steel products.

(3) *Tonnage authorized is extra.* The tonnage authorized by this paragraph (b) for each distributor of general steel products shall be in addition to the amount which he is permitted to order on a stock replacement basis by the terms of paragraph (c) (1) of Order M-21-b-1.

(c) *How to place orders.* Each order placed by a distributor with a producer or another distributor pursuant to this direction shall be endorsed with the standard endorsement contained in Priorities Regulation No. 7 and the words "Allotment Symbol ZW—Deferred Order Pursuant to Direction 3 to Order M-21-b-1". No other endorse-

ment or form is required. Any order so endorsed shall be accepted and scheduled by a producer on the same basis as that prescribed for deferred allotment orders in Direction 54 to CMP Regulation No. 1. Any order so endorsed placed with another distributor may, but need not be, accepted; any part of the order which is accepted shall be filled on the same basis as the distributor is permitted by CMP Regulation No. 4 to fill "Z-1" allotment orders. Any deliveries made by a producer or a distributor on orders bearing the endorsement provided for in this paragraph (c) shall be included with other deliveries to distributors on any shipment reports which he is required to file with the War Production Board.

(d) *Merchant trade products not included.* This direction does not authorize any distributor to place any special orders for merchant trade products. Present and expected production of such products does not warrant additional warehouse stocks at this time. Consequently, no special assistance can yet be issued to distributors for the purpose of adding to inventories of merchant trade products.

Issued this 4th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18364; Filed, Dec. 4, 1944;  
11:19 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1389—APPAREL

[MPR 438, Amdt. 7]

#### MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 438 is amended in the following respects:

1. The date in the third unnumbered paragraph of section 3 is amended to read January 15, 1945.

2. The date in the fourth unnumbered paragraph of section 4 (a) is amended to read January 15, 1945.

3. The date in the last sentence of section 6 (b) is amended to read January 15, 1945.

4. The date in the fifth sentence of section 6 (b) (2) is amended to read January 26, 1945.

5. The date in the last sentence of the text of section 6 (b) (3) is amended to read February 6, 1945.

6. The date in the first sentence of the effective date provision is amended to read January 15, 1945. The date December 1, 1944 in the third sentence of this provision is amended to read January 15, 1945.

This amendment shall become effective December 1, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18288; Filed, Dec. 1, 1944;  
4:50 p. m.]

\*Copies may be obtained from the Office of Price Administration.

\* F. R. 10503, 12712, 13257, 14012; 9 F. R. 172, 2477, 6024, 10861.

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 21 to 2d Rev. Supp. 1]

##### MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (14) is added to read as follows:

(14) Q5, R5, and S5 are valid beginning December 3, 1944.

This amendment shall become effective December 3, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E. O. 9125, 7 F. R. 2719; E. O. 9230, 7 F. R. 10179; WPB Directive 1, 7 F. R. 562; and Supp. Dir. 1-M, 7 F. R. 8234; WFO No. 56, 8 F. R. 2005, 9 F. R. 4319; WFO No. 58, 8 F. R. 2251, 9 F. R. 4319; WFO No. 59, 8 F. R. 3471, 9 F. R. 4319; WFO No. 61, 8 F. R. 3471, 9 F. R. 4319; and Supp. 1 to WFO No. 61, 9 F. R. 9134, 9389)

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18290; Filed, Dec. 1, 1944;  
4:51 p. m.]

#### PART 1302—ALUMINUM

[MPR 2, Amdt. 7]

##### ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 2 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Toll or conversion agreements.* The maximum prices herein established shall have no application to the sale, delivery or transfer of aluminum scrap by the maker of such scrap to any person pursuant to a written agreement whereby such person agrees to smelt, remelt, fabricate, bale, briquette or otherwise process such scrap and return to the maker thereof processed material containing an amount of metal approximately equivalent to that contained in the scrap sold, delivered or transferred: *Provided*, That the conversion or processing of aluminum scrap pursuant to such an agreement shall be deemed to be a service, and the price charged therefor shall not exceed the difference between the maximum price for such scrap established by this Regulation, and the maximum price for such processed material established by this Regulation, or by any other price schedule, regulation or order issued by the Office of Price Administration. However, the maximum charge for the conversion of plant scrap solids into ingots shall be 3½ cents per pound.

When aluminum scrap is baled or briquetted on a toll basis, the maximum charges shall be:

For baling 1½ cent per pound.  
For briquetting 1 cent per pound.

\* 9 F. R. 6772, 6825, 7262, 7439, 8147, 8331, 8266, 9278.

\* 9 F. R. 8495, 9330, 10859, 10982; 9 F. R. 5557, 7703.

2. Section 14, paragraph (a) (6) is amended to read as follows:

(6) *Aluminum foil scrap.* Aluminum foil scrap or light gauge aluminum sheet which does not exceed 0.008 of an inch in thickness; clean, free of paper, gutta percha or any other adhering substances or forms of contamination—16 cents per pound of material, irrespective of quantity. When sold for remelting purposes, the maximum price for such described material shall be 9½ cents per pound. Contaminated aluminum foil scrap not conforming to these specifications shall be bought and sold for not more than a price, below the maximum prices for clean aluminum foil scrap, fairly reflecting the value of such scrap.

3. Section 14, paragraph (a), note 1 (c), is amended to read as follows:

(c) Scrap shall not be deemed "segregated" whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified and handled as to be accepted for reprocessing into aluminum of the original alloy specifications without the necessity for other than routine examination by the processor.

4. Section 15, Appendix B: paragraph (a) (3) is amended to read as follows:

(3) *Quantity differentials.* The maximum base price and all other maximum prices for secondary aluminum ingot established by or pursuant to this section shall be applicable if the quantity sold or delivered is 30,000 pounds or more. The following premiums may be charged, in addition to the maximum price, for the quantities specified:

Quantity:	Premium (cents per pound)
10,000 to 30,000 pounds—	¼
1,000 to 10,000 pounds—	½
Less than 1,000 pounds—	1

In determining whether the quantity differentials herein provided are applicable, the quantity sold or the quantity delivered to one buyer at one time, whichever is larger, shall be used in all cases, and regardless of the fact that such sale or shipment may be composed of different alloys.

This amendment shall become effective December 7, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18319; Filed, Dec. 2, 1944;  
11:33 a. m.]

#### PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

[MPR 439, Amdt. 2]

##### ASSEMBLED RADIOS AND PHONOGRAPH PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 439 is amended in the following respect:

Section 2 is amended to read as follows:

SEC. 2. *Scope of this regulation.* This regulation applies to radio receiving sets, electrical phonographs and combination radio phonographs, which are assembled

from radio chassis, speakers, phonograph mechanisms or cabinets, any one of which had been incorporated in a previously completed radio receiving set, electrical phonograph or combination radio phonograph.

This regulation does not apply to radio receiving sets, electrical phonographs or combination radio phonographs which are manufactured or assembled from components which have not been previously incorporated in a completed radio receiving set, electrical phonograph or combination radio phonograph. Maximum prices at the manufacturer's level for such radio receiving sets, electrical phonographs and combination radio phonographs are established under Maximum Price Regulation No. 188 and at the wholesale and retail levels by the General Maximum Price Regulation.

This amendment shall become effective on the 7th day of December 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18321; Filed, Dec. 2, 1944;  
11:58 a. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING**

[MPR 182,<sup>1</sup> Amdt. 11]

**KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS**

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 182 is amended in the following respect:

Section 1347.309 is amended to read as follows:

§ 1347.309 *Petitions for amendment and applications for adjustment.* (a) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The Office of Price Administration may adjust the maximum prices established under this regulation for a seller of a commodity if it finds:

(1) That such maximum price subjects him to substantial hardship, and

(2) Continuance of the seller's production of the commodity is required to meet a military or essential civilian need.

Applications for adjustment under this paragraph are to be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

The amount of adjustment which may be granted will be determined by the

Office of Price Administration and will in no case exceed an amount deemed reasonably necessary to insure the applicant's production of the commodity in question, in the light of the applicant's costs of production and his over-all financial condition.

This amendment shall become effective December 7, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18320; Filed, Dec. 2, 1944;  
11:58 a. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[RMFR 289,<sup>1</sup> Amdt. 15]

**DAIRY PRODUCTS**

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 29 (a) (1) (i) is amended to read as follows:

(i) The maximum price for the sale of any "cheese item" conforming with the standards prescribed in paragraph (c) (9) (i), (ii), (iii), (iv), (v) and (vi), respectively, of this section and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
(In cents per pound)

Types of cheese	Sales and deliveries by—				
	Cheese factories	Assemblers	Primary wholesalers	Cash and carry wholesalers	Service wholesalers
Provolone and group I: Pasta Filata (stringy curd).....	33½	35	36½	38½	42
Parmesan and group II: Granular types.....	41	42½	44½	47	50½
Monte, Modena and group III.....	33½	35	36½	39	42½
Asiago (soft) and group IV: Romano and group V: Sharp Rennet.....	33½	35½	36½	38½	42
Asiago (medium) and group VI.....	47½	48½	53	55½	59½
	34½	36	38	40½	44

2. Section 29 (a) (1) (ii) is amended to read as follows:

(ii) The maximum price for the sale of any "cheese item" containing either more moisture or less milk fat than prescribed in paragraph (c) (9) (i), (ii), (iii), (iv), (v) and (vi), respectively, of this section and delivered at any place in

Wisconsin, shall be the appropriate price set forth in Table B below:

TABLE B  
(In cents per pound)

Types of cheese	Sales and deliveries by—				
	Cheese factories	Assemblers	Primary wholesalers	Cash and carry wholesalers	Service wholesalers
Provolone and group I: Pasta Filata (stringy curd).....	17½	18½	19½	20½	22½
Parmesan and group II: Granular types.....	20	21	22	23½	25½
Monte, Modena and group III.....	12	12½	13½	14½	15½
Asiago (soft) and group IV: Romano and group V: Sharp Rennet.....	12	12½	13½	14½	15½
Asiago (medium) and group VI.....	21	22	23½	24½	26½
	16½	17½	18½	20½	22½

3. Section 29 (c) (7) is redesignated section 29 (c) (8).

4. Section 29 (c) (8) is redesignated section 29 (c) (9).

5. A new section 29 (c) (7) is added to read as follows:

(7) "Cash and carry wholesaler" means a person who sells to, but does not make delivery to the physical premises of a service wholesaler, or an individual retail store, an individual commercial, industrial, institutional or governmental user in quantity lots of 400 pounds or less of any one or more of the cheese items priced in this section 29.

6. Section 29 (c) (9) (ii) is amended to read as follows:

(ii) "Parmesan and Group II" cheese. The food product commonly known as Parmesan cheese is prepared from cows' milk by the following process:

The milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk, or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 125 degrees F. When the curd is sufficiently firm it is removed from the kettle by means of a cloth, drained for a short time, and then packed in hoops for pressing. The hoops are about 18 inches in diameter and about 10 inches high. About 3 days after pressing, the cheese is salted. After salting, the cheese is moved to a cool, well-ventilated room where it may be held on shelves for an indefinite length of time. The surface of the cheese is occasionally rubbed with vegetable oil.

The term "Parmesan and Group II" includes Parmesan cheese, and all other cheese (except Sbrinz, "Asiago, medium, and Group VI" and "Monte, Modena and Group III" cheese) made by the Parmesan process, or by any minor variations

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724, 10811; 8 F.R. 4252, 4180, 7196, 10761, 13109; 9 F.R. 393.

<sup>2</sup> 9 F.R. 5140, 5427, 5429, 5588, 5917, 5919, 5921, 6105, 7699, 10090, 10579, 10871, 11171.

of such process and in any style, form and size, including, but not limited to, Reggiano and Asiago, old, which cheese contains not more than 32% moisture, and its solids contain not less than 36% of milk fat. Sbrinz cheese is not included within this group for the purposes of this section, but is specifically exempted from the provisions of this regulation. The maximum price for Sbrinz cheese is controlled by Maximum Price Regulation 280.

7. Section 29 (c) (9) (iii) is amended to read as follows:

(iii) "Monte, Modena and Group III" cheese. The food products commonly known as Monte cheese and Modena cheese are prepared from cows' milk by the same process as that used in preparing "Parmesan and Group II" cheese described in paragraph (c) (9) (ii) above. The term "Monte, Modena and Group III" includes Monte cheese and Modena cheese and all other cheese (except "Parmesan and Group II", and "Asiago, medium, and Group VI" cheese) made by the Parmesan process or by any minor variation of such process, and in any style, form and size, which cheese contains not less than 25% of milk fat in its solids and not more than 32% moisture.

8. A new section 29 (c) (9) (vi) is added to read as follows:

(vi) "Asiago, medium and Group VI" cheese. The food product commonly known as Asiago, medium, cheese, is prepared from cows' milk by the same process as that used in preparing "Parmesan and Group II" cheese described in paragraph (c) (9) (ii) above.

The term "Asiago, medium, and Group VI" includes Asiago, medium, cheese and all other cheese (except "Parmesan and Group II" and "Monte, Modena, and Group III" cheese) made by the Parmesan process or by any minor variation of such process, and in any style, form and size, which cheese contains not less than 36% of milk fat in its solids and not more than 36% of moisture.

This amendment shall become effective December 7, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18323; Filed, Dec. 2, 1944;  
12:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[RMFR 289, Amdt. 16]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 1 (i) is amended to read as follows:

(i) Brick, Munster and Swiss cheese.

2. Section 27 is amended to read as follows:

Sec. 27. Maximum prices for Brick, Munster and Swiss cheese—(a) Sales by cheese factories or cheese makers, primary wholesalers, secondary wholesalers and service wholesalers—(1) In Wisconsin.

TABLE A  
[In cents per pound]

Sales and deliveries by	Brick	Munster	Swiss
Cheese factories or cheese makers.....	27½	27½	27½ (not in tubs or boxes). 28½ (in tubs or boxes). 27½ per lb. for sales of more than 1 tub or 1 box.
Primary wholesalers.....	27½ per lb. for sales of over 175 lbs. 27½ per lb. for sales of 175 lbs. or less.	27½ per lb. for sales of over 175 lbs. 27½ per lb. for sales of 175 lbs. or less.	27½ per lb. for sales of 1 tub or 1 box, or 1 box of 1 lb. 27½ per lb. for sales of one wheel or 1 box of 1 lb. 27½ per lb. for sales of 150 lbs. or less. 27½ per lb. for sales of more than 1 tub or 1 box.
Secondary wholesalers.....			27½ per lb. for sales of 1 tub or 1 box, or 1 box of 1 lb. 27½ per lb. for sales of one wheel or 1 box of 1 lb.
Service wholesalers.....	27½	27½	27½ per lb. for sales of 150 lbs. or less. 27½ per lb. for sales of more than 150 lbs.

(ii) The maximum prices for the sale of Brick, Munster, and Swiss cheese containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (i), (ii), and (iii) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below: *Provided, however,* That the maximum prices set forth in Table B for sub-standard Swiss cheese as described above shall not be effective until December 4, 1944, and that prior to that time the maximum prices established for Swiss cheese in Table A above shall be applicable to all Swiss cheese regardless of its moisture or its milk fat content.

TABLE B  
[In cents per pound]

Sales and deliveries by	Brick	Munster	Swiss
Cheese factories or cheese makers.....	12	12	23
Primary wholesalers.....	12½	12½	23½
Secondary wholesalers.....			
Service wholesalers.....	12½	15	23½

(2) Outside Wisconsin. The maximum price for the sale of cheese delivered at any place outside Wisconsin shall be the appropriate price set forth in Tables A or B above plus the lowest published railroad carlot freight rate per pound gross weight from the applicable point named below to the place of delivery multiplied by 1.15:

From Monroe, Wisconsin for Swiss.  
From Plymouth, Wisconsin for Brick and Munster.

In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) General provisions—(1) Transportation charges; cheese factory to primary wholesaler. (i) In addition to the

\*Copies may be obtained from the Office of Price Administration.  
\*9 F.R. 5140, 5427, 5429, 5533, 5917, 6319, 5921, 6105, 7699, 10630, 10573, 10571, 11171.

sin. (i) The maximum prices for the sale of Brick, Munster, and Swiss cheese conforming with the standards prescribed in paragraph (c) (8) (i), (ii), and (iii) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

maximum prices established in paragraph (a), a primary wholesaler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the primary wholesaler's warehouse for such hauling services. The maximum price which may be paid by a primary wholesaler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the primary wholesaler's warehouse. The distance between the cheese factory and the primary wholesaler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

Miles (one way) net over—	Cents per lb. for 150 lbs. net weight	Miles (one way) net over—	Cents per lb. for 150 lbs. net weight
5	17	12	43
10	18	13	47
15	19	14	49
20	20	15	51
25	21	16	53
30	22	17	55
35	23	18	57
40	24	19	59
45	25	20	61
50	26	21	63
55	27	22	65
60	28	23	67
65	29	24	69
70	30	25	71
75	31	26	73
80	32	27	75
85	33	28	77
90	34	29	79
95	35	30	81
100	36	31	83
105	37	32	85
110	38	33	87
		34	89

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) A primary wholesaler who, either with his own truck or by other means, performs the hauling service from the factory to his warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person,



including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the primary wholesaler or his agent.

(iv) The maximum prices established in Tables A and B for primary wholesalers include transportation costs, if any, from the cheese factory or cheese maker to the primary wholesaler's warehouse whether that warehouse is located inside or outside the State of Wisconsin.

(2) *Allowances and fees.* (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165<sup>2</sup> shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(3) *Calculations.* All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents-per-pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of 0.50 cents: *Provided, however,* All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest  $\frac{1}{10}$  of a cent or to the next higher  $\frac{1}{10}$  of a cent where the second digit beyond the decimal point is the numeral, five.

(4) *Maximum prices for sales at retail by factories and wholesalers.* (i) The maximum price for the sale at retail to an ultimate household user of any cheese delivered at any place by a cheese factory, cheese maker, primary wholesaler, secondary wholesaler, or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale described above of a quantity in excess of 15 lbs. shall be considered a sale at retail.

(5) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding. *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(6) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price has not already been established by this section shall be

the maximum price established for "sales by cheese factories" of that particular cheese in that place by paragraph (a) of this section.

(7) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to a primary wholesaler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the primary wholesaler.

(8) *Evasive practices prohibited—(i) Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their reasonable market value by any buyer of any cheese described in this section or his agent or affiliate to any seller of such cheese, his agent or affiliate. Any sale of used cheese boxes by a buyer of any cheese described in this section, his agent or affiliate, to a seller of such cheese, his agent or affiliate at any price less than the prices established in Table D below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE D

Used boxes for Brick and Munster	Full box	Half box	Quarter box
F. o. b. assembly warehouse—	25	15	10
Delivered to cheese factory—	26	16	11

(ii) *Supplies.* No buyer of any cheese described in this section, his agent or affiliate, shall sell, lend or otherwise transfer supplies or equipment to a seller of such cheese, his agent or affiliate, at less than the market value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) of this section and is hereby prohibited.

(iii) The practice described in subdivisions (i) and (ii) of this subparagraph (8) are in addition to any evasive practices prohibited by section 6 of this regulation.

(c) *Definitions.* (1) "Primary wholesaler" is a person who purchases or receives cheese from two or more cheese factories or cheese makers and who sells or delivers to wholesalers, retailer distributing warehouses, retail stores, or commercial, industrial, institutional, or federal or non-federal governmental users.

(i) *Provided however,* That no person shall be considered a primary wholesaler with respect to any cheese sold by him unless with respect to that cheese he meets all of the following requirements:

(a) He must own or lease and maintain a refrigerated warehouse or segregated specific space in a refrigerated warehouse.

(b) Such warehouse or warehouse space must not be leased, rented, or in any other way procured from or furnished by any person (including such person's principal, agent, partner, employee, subsidiary, trustee, associate, or affiliate) from whom he purchases or receives cheese or to whom he sells or delivers cheese.

(c) He must actually assemble the cheese sold by him by unloading it from its carrier, physically placing it in the warehouse where it must come to rest, and by removing it from the warehouse by loading it on a carrier.

(d) Within the warehouse he must grade the cheese in accordance with legal requirements, or in the absence of such requirements in accordance with customary industry practices. He must also paraffin (if not already paraffined) or otherwise prepare the cheese for shipment.

(e) He must bear and pay for all labor costs involved in the warehousing of the cheese, and in the handling of such cheese into, within, and out of the warehouse.

(ii) *Provided, further,* That no person shall be considered a primary wholesaler as to any cheese sold to a processor for processing.

(2) "Secondary wholesaler" is a person who purchases Swiss cheese from a primary wholesaler and who sells to wholesalers, retailer distributing warehouses, retail stores, or commercial, industrial, institutional, or federal or non-federal governmental users.

(i) *Provided however,* That no person shall ever or at any time be considered a secondary wholesaler with respect to any sale of Swiss cheese if such person (or his principal, agent, partner, employee, subsidiary, trustee, associate, or affiliate) in any manner, or with respect to any sale of cheese whatsoever, qualifies as a "primary wholesaler" as defined in subparagraph (1) above.

(3) "Service wholesaler" is a person who sells to, and makes delivery of cheese in small lots (as stated below) to the physical premises of, an individual retail store, or an individual commercial, industrial, institutional, or federal or non-federal governmental user.

Bricks in lots of 35 lbs. or less.  
Munster in lots of 35 lbs. or less.  
Swiss in lots of 50 lbs. or less.

*Provided,* That a sale of any quantity to a ship operator where delivery is made to the ship shall be deemed a sale by a "service wholesaler".

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (3) whose physical premises are located

(a) At a point on or east of the 99th meridian and more than 50 miles from

<sup>2</sup> 9 F.R. 7439, 9107, 9411, 11173, 12040.

the place where the cheese factory is located, or

(b) At a point west of the 99th meridian and more than 100 miles from the place where the cheese factory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers", or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (3), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers". "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(4) "Delivered at any place." The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(5) "Place" means any city, town, village or hamlet within the United States.

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) "Physical premises" means as follows:

(i) In the case of an individual retail store, the place where the cheeses described in this section are sold to ultimate household users.

(ii) In the case of an individual commercial, industrial, institutional, or federal or non-federal governmental user, the place where such cheeses are consumed by such users.

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below, which definitions are for the purpose of establishing standards of identity for specific pricing: *Provided, however,* The prescribed moisture and milk-fat standards shall not become effective with reference to Swiss cheese until December 4, 1944.

(i) *Brick cheese.* The food product commonly known as brick cheese is pre-

pared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet or other suitable coagulant is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote separation of the whey and curd. The final cooking temperature is about 103° F. When the curd is sufficiently firm about one-half of the whey is removed. The whey and curd remaining in the vat is again stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are then turned at regular intervals during the first day and a slight pressure may or may not be applied to the cheese. The cheeses are then salted. They may be dry salted or immersed in brine. They are then placed on shelves in a curing room having a temperature of about 65° F. and a relative humidity of about 85 percent. The cheeses are then washed frequently in a weak brine solution over a period of about 12 days. The cheeses are usually paraffined or waxed, wrapped in parchment or suitable moisture resistant wrapper and then with an over-wrap of suitable paper and packed in boxes for further holding or for shipment. The cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

The term Brick cheese includes a pasteurized cured Brick cheese made by approximately the same process, including, but not limited to Beer Kase cheese and cheese sold under such names as Bier Kase, Lager Kase, Baummelster, Milltown Bar and Beer Cheese, which cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

(ii) *Munster cheese.* The food product commonly known as Munster cheese, also known as Muenster cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk may be warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is cut into small cubes and stirred gently for a few minutes and then allowed to settle. The final cooking temperature is usually higher than the setting temperature. When the curd is sufficiently firm and there is a slight development of acid the whey is removed and the curd is dipped into perforated round or oblong hoops or forms.

The forms containing the cheese are turned several times at regular intervals

during the first day. It is then taken out of the hoop and rubbed with dry salt about 3 days in succession, or it can be brine salted. The cheese is then transferred to the ripening cellar which should have a uniform temperature of about 55° F. and a relative humidity of about 75 percent. During the ripening period the cheese is usually kept on shelves and turned about twice a week. The rind of the cheese is usually colored by dipping in a vegetable coloring matter or by applying the color to the surface of the cheese. It is then wrapped in parchment or moisture resistant material and packed in boxes. The cheese contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat.

(iii) *Swiss cheese.* The food product commonly known as Swiss cheese, drum Swiss or block Swiss is prepared from cow's milk by the following process:

Milk may or may not be pasteurized but is usually clarified. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A propionic acid forming organism may also be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 127° F. When the curd is sufficiently firm it is allowed to settle in the kettle and is then removed from the whey with a dipping cloth. The mass of curd is then placed in a cheese hoop or block form on the press table, and put under pressure for a period of about 16 hours. Cheese is removed from the press table and immersed in brine for a period of about 3 days, then it is left in a cold room for about 12 days. It is then held in a curing room at a temperature of about 75° F. for a period of about 6 weeks or until the "eyes" have formed in the body of the cheese. It is then held at a lower temperature for further aging. The cheese contains not more than 40 percent moisture and its solids contain not less than 43 percent milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422<sup>2</sup> and 423.<sup>4</sup>

This amendment shall become effective December 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9322, 8 F.R. 4681)

NOTE: The record-keeping provisions of this regulation have been approved by the

<sup>2</sup> 8 F.R. 9395, 10593, 10637, 12243, 12611, 13234, 14573, 15251, 15533, 15597, 17393, 17370; 9 F.R. 95, 3510, 3649, 4017, 4214, 4424, 5557, 6323, 6351, 7339, 7529, 7837, 8354, 9719, 10257, 10362, 11637, 11711, 11801, 12343.

<sup>4</sup> 8 F.R. 9467, 10570, 10633, 12443, 12611, 13234, 14574, 15597, 15593, 16331, 17371; 9 F.R. 95, 3510, 3649, 4017, 4217, 4424, 5571, 6323, 7320, 7529, 7837, 8354, 8729, 10259, 10362, 11637, 11711, 11833, 12340.

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18324; Filed, Dec. 2, 1944;  
11:56 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[RMFR 289, Amdt. 17]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 1 (n) is amended to read as follows:

(n) Limburger cheese.

2. Section 32 is added to read as follows:

SEC. 32. *Maximum prices for Limburger cheese*—(a) *Sales by cheese factories or cheese makers, assemblers, primary wholesalers and service wholesalers*—(1) *In Wisconsin*. (i) The maximum prices for the sale of Limburger cheese conforming with the standards prescribed in paragraph (c) (8) (i) and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

Sales and deliveries by—	Limburger in "factory wrapped packages" (gross weight). See paragraph (b) (2)	
	1 lb. and 2 lbs.	½ lb.
Cheese factories or cheese makers...	26	26½
Assemblers...	27½	28½
Primary wholesalers...	28½	29½
Service wholesalers...	32½	33½

(ii) The maximum prices for the sale of Limburger cheese containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (i) and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below:

TABLE B  
[In cents per pound]

Sales and deliveries by—	Limburger in "factory wrapped packages" (gross weight). See paragraph (b) (2)	
	1 lb. and 2 lbs.	½ lb.
Cheese factories or cheese makers...	12	12½
Assemblers...	13½	14½
Primary wholesalers...	14½	15
Service wholesalers...	16½	17

\*Copies may be obtained from the Office of Price Administration.

9 F.R. 5140, 5427, 5429, 5583, 5917, 5919, 5921, 6105, 7699, 10090, 10579, 10871, 11171.

(2) *Outside Wisconsin*. The maximum price for the sale of cheese delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from Monroe, Wisconsin to the place of delivery multiplied by 1.15. In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) *General provisions*—(1) *Transportation charges; cheese factory to assembler*. (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

Miles—not over (1 way)—	Cents per 100 lbs. net weight	Miles—not over (1 way)—	Cents per 100 lbs. net weight
5.....	17	120.....	43
10.....	18	130.....	47
15.....	20	140.....	49
20.....	21	150.....	51
25.....	23	160.....	53
30.....	24	170.....	55
35.....	26	180.....	58
40.....	27	190.....	59
45.....	29	200.....	60
50.....	30	210.....	62
55.....	31	220.....	63
60.....	32	230.....	65
65.....	34	240.....	66
70.....	35	250.....	68
75.....	36	260.....	69
80.....	37	270.....	71
85.....	38	280.....	72
90.....	40	290.....	73
100.....	42	Over 290.....	75
110.....	44		

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) *Special wrapping of Limburger cheese*. (i) When a "factory wrapped package" of limburger cheese is further wrapped with a special outside wrapper marked with the net weight of the cheese, the person performing the special outside wrapping service may, if he has purchased the cheese on the basis of gross weight and sells it on the basis of

net weight, increase his established maximum price as follows:

For each ½ lb. package.....	1¼¢
For each 1 lb. package.....	2¾¢
For each 2 lb. package.....	4½¢
For each package weighing more than 2 pounds.....	1¢ per package plus 1¼¢ per pound (net weight)

Provided, however, Only one special wrapping charge may be added to the maximum prices set forth in Tables A and B of paragraph (a).

(ii) The maximum prices of any subsequent seller of a "factory wrapped package" of Limburger cheese which has been further wrapped with a special outside wrapper marked with the net weight of the cheese shall be increased over the maximum prices set forth in Tables A and B of paragraph (a) for such a seller in the same amount as set forth in subdivision (i) of this subparagraph (2).

EXAMPLE: If a one pound package of cheese is specially wrapped at the cheese factory, the maximum price in Table A at the cheese factory shall be increased from 26¢ to 28½¢ and the respective maximum prices on one pound packages for assemblers, primary wholesalers and service wholesalers shall likewise be increased 2½¢; or if the pound package is specially wrapped by a primary wholesaler, his maximum price shall be increased from 28½¢ to 31¼¢ and the maximum price for service wholesalers shall likewise be increased 2½¢, but the maximum prices for cheese factories and assemblers shall not be increased.

(3) *Allowances and fees*. (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165<sup>9</sup> shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(4) *Calculations*. All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents-per-pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of .50 cents: *Provided, however*, All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest ¼ of a cent or to the next higher ¼ of a cent where the second digit beyond the decimal point is the numeral, five.

(5) *Maximum prices for sales at retail by factories, assemblers and wholesalers*. (i) The maximum price for the sale at retail to an ultimate household user of any cheese delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place

<sup>9</sup> 9 F.R. 7439, 9107, 9511, 11173, 12040.

for a sale by a cheese factory plus 27 percent.

(ii) No sale described above of a quantity in excess of 15 lbs. shall be considered a sale at retail.

(6) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding: *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(7) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that particular cheese in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(8) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(9) *Evasive practices prohibited—(i) Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their reasonable market value by any buyer of any cheese described in this section or his agent or affiliate to any seller of such cheese, his agent or affiliate. Any sale of used cheese boxes by a buyer of any cheese described in this section, his agent or affiliate, to a seller of such cheese, his agent or affiliate at any price less than the prices established in Table D below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE D

Used boxes for Limburger	Full box	Half box	Quarter box
F. o. b. assembly warehouse— Delivered to cheese factory—	25 28	15 16	10 11

(ii) *Supplies.* No buyer of any cheese described in this section, his agent or affiliate, shall sell, lend or otherwise transfer supplies or equipment to a seller of such cheese, his agent or affiliate, at less than the market value of such supplies and equipment. Any sale or trans-

fer contrary to the provisions of this subparagraph is an evasion of paragraph (a) of this section and is hereby prohibited.

(iii) The practice described in subdivisions (i) and (ii) of this subparagraph (9) are in addition to any evasive practices prohibited by section 6 of this regulation.

(c) *Definitions.* (1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) *"Delivered at any place."* The phrase "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(3) *"Factory wrapped packages"* means pieces of partially cured Limburger cheese which have been wrapped at the cheese factory with parchment, manilla paper and lead-tin foil or otherwise according to customary trade practice.

(4) *"Place"* means any city, town, village or hamlet within the United States.

(5) *"Primary wholesaler"* means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery of cheese in lots of more than 25 pounds to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental user: *Provided, however,* No person shall be considered a "primary wholesaler" unless he was engaged in making sales as described above in this subparagraph (5) prior to January 1, 1943, and unless during the calendar year of 1942 at least 20% of the total amount of Limburger cheese sold by him was sold in the manner described above: *And provided further,* No person shall be considered a "primary wholesaler" as to any cheese sold to a processor for processing.

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(6) *"Retailer distributing warehouse"* means a place where cheese is received

and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) *"Service wholesaler"* means a person who sells to, and makes delivery of cheese in lots of 25 pounds or less to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental user.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "Service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (7) whose physical premises are located

(a) At a point on or east of the 93th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) At a point west of the 93th meridian and more than 100 miles from the place where the cheese factory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services". *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers", or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (7), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers". "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definition set forth below which

definition is for the purpose of establishing a standard of identity for specific pricing.

(i) *Limburger cheese.* The food product commonly known as Limburger cheese, a soft smear ripened cheese with a strong and characteristic odor and taste, is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by the adding of skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria present in such milk or which may be added. Sufficient rennet is then added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote separation of whey and curd. The final cooking temperature is about 98° F. When the curd is sufficiently firm about one-half of the whey is removed. The curd and whey remaining in the vat is stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are usually turned at regular intervals during the first day, and a slight pressure may or may not be applied to the cheese. The cheeses may or may not be cut before being placed on a salting table where they are rubbed with dry salt two or three times during the first 48 hours. The cheeses are then placed in a curing room at a temperature of about 60° F. having a relative humidity of about 95 percent. To develop and control the proper rind smear each cheese is washed in a weak brine solution about every other day until proper color and smear are obtained, which usually requires about 12 days. The cheese is wrapped in parchment, wax and foil, and placed in a cold room for further curing or until shipped. The cheese contains not more than 48 percent of moisture and its solids contain not less than 50 percent of milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422<sup>3</sup> and 423.<sup>4</sup>

This amendment shall become effective December 7, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18325; Filed, Dec. 2, 1944;  
11:57 a. m.]

<sup>3</sup> 8 F.R. 9395, 10569, 10987, 12243, 12611, 13294, 14853, 15251, 15586, 15607, 17369, 17370; 9 F.R. 95, 3510, 3648, 4017, 4214, 4434, 5656, 6828, 6951, 7339, 7520, 7937, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343.

<sup>4</sup> 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031, 17371; 9 F.R. 95, 3510, 3648, 4017, 4217, 4434, 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10982, 11537, 11711, 11902, 12340.

## PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 569]

### USED MOTORCYCLES

In the judgment of the Price Administrator, dollar-and-cents maximum prices better effectuate the purposes of the Emergency Price Control Act of 1942, as amended, than the method in the General Maximum Price Regulation for determining maximum prices. Therefore, the Price Administrator has caused this regulation, which establishes dollar-and-cents regulations for used motorcycles, to be issued and made effective.

The Price Administrator has ascertained and given due consideration to the prices of used motorcycles prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

#### ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

##### Sec.

1. Applicability of regulation.
2. Prohibition against dealing in used motorcycles above maximum prices.
3. Relation to other regulations.
4. Less than maximum prices.

#### ARTICLE II—MAXIMUM PRICES

5. Maximum prices for used motorcycles.
6. Base prices.
7. Warranted used motorcycles.
8. Special maximum prices.

#### ARTICLE III—GENERAL PROVISIONS

9. Federal and State taxes.
  10. Label or tag to be attached to a used motorcycle.
  11. Invoice or bill of sale.
  12. Records and reports.
  13. Evasion.
  14. Enforcement.
  15. Licensing.
  16. Definitions.
  17. Petitions for amendment of general applicability.
- Appendix A.  
Appendix B.

AUTHORITY: § 1360.3 issued under 56 Stat. 23, 765; 57 Stat. 568; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

#### ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

##### SECTION 1. *Applicability of this regulation—(a) To what sales this regula-*

\*Copies may be obtained from the Office of Price Administration.

tion applies. This regulation applies to sales by all persons of used motorcycles manufactured new by Harley-Davidson Motor Company and Indian Motorcycle Company (called used motorcycles in this regulation).

(b) *Geographical applicability.* This regulation applies to the forty-eight states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in used motorcycles at prices above the maximum.* (a) Regardless of any contract or other obligation except as provided in paragraphs (b), (c) and (d):

(1) No person shall sell or deliver any used motorcycle at a price higher than the maximum price permitted by this regulation, except as provided in paragraph (d); and

(2) No person, in the course of trade or business, shall buy or receive a used motorcycle at a price higher than the maximum price permitted by this regulation, except as provided in paragraph (d), but if he, the purchaser, has received from the seller a written statement that the price charged does not exceed the maximum price, and he has no knowledge to the contrary, he shall be deemed to have complied with this paragraph (a); and

(3) No person shall agree, offer or attempt to do any of the acts prescribed in subparagraphs (1) and (2) of this section.

(b) A war procurement agency as defined in section 15 (d), or any contracting officer thereof, or any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any government agency of such a country, shall not be subject to the provisions of paragraph (a) (2). Moreover, any war procurement agency contracting officer, with respect to purchases he makes, in his official capacity, of used motorcycles, and any paying finance officer of the United States, with respect to payments he may make, in his official capacity, in connection with purchases of used motorcycles, shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall prevent the fulfillment of any written contract for the purchase of a used motorcycle whether in the nature of a conditional sales agreement, rental contract providing for purchase or other arrangement, entered into before the effective date of the regulation and under which the used motorcycle has been delivered prior to that date.

(d) Where a promissory note covering payment to a dealer or other seller for a used motorcycle is discounted by a bank, finance company, or other person, and the latter takes possession of the used motorcycle after default by the maker of the note, the return of the repossessed used motorcycle to the dealer in connection with the recovery from him of the unpaid balance of the note



does not constitute a sale, purchase, or transfer, subject to the regulation. However, the sale of a repossessed used motorcycle by such a holder of "motorcycle paper" at public or private sale, except the return of a used motorcycle in connection with a contract to repurchase, is subject to the regulation. Notwithstanding the provisions of this paragraph, where a promissory note covering payment to a dealer or other seller for a motorcycle is discounted by a bank, finance company or other person, and the latter takes possession of the used motorcycle after default by the maker of the note, nothing in this regulation shall prevent the bank, finance company, or other person who discounted the note from selling the used motorcycle for an amount not exceeding the unpaid balance on the note, or the applicable maximum price, if it is higher, in the case of a used motorcycle delivered prior to the effective date of the regulation by the dealer or other seller to the person making the note.

### SEC. 3. Relation to other regulations—

(a) *In general.* The transactions, persons, and commodities subject to this regulation shall not be subject to any other regulation issued by the Office of Price Administration in so far as they are affected by this regulation, except as provided in paragraph (b). This regulation, therefore, with respect to the used motorcycles it covers, supersedes the General Maximum Price Regulation<sup>1</sup> and orders issued thereunder, and orders issued under Supplementary Order 94.<sup>2</sup>

(b) *Exports.* The provisions of this regulation do not apply to the purchase, sale or delivery for export from the Continental United States of a used motorcycle. Such a sale, purchase or delivery is covered by the Second Revised Maximum Export Price Regulation.<sup>3</sup>

SEC. 4. *Less than maximum prices.* Prices lower than maximum prices established by this regulation may be charged and paid.

### ARTICLE II—MAXIMUM PRICES

SEC. 5. *Maximum prices for used motorcycles.* To figure the maximum price of a used motorcycle, the seller must:

(a) Find the base price according to section 6; and

(b) Add to it \$75.00 for a side car or delivery body, if any, (no other additions may be added to the base price even though the motorcycle is equipped with accessories or other extra equipment); and

(c) If the used motorcycle is sold as a warranted used motorcycle (as defined in section 7), and the sale is by a dealer to a nondealer, add \$50.00 or, if it is higher, add 25% of the total of the base price and the \$75.00 allowance, if any. If the amount to be added is in cents (that is, a certain number of dollars and cents) the amount shall be evened to the nearest dollar.

SEC. 6. *Base prices—(a) How to find the base price.* In figuring his maximum

price, the seller shall take as his base price a price found by following the directions given below which apply to the used motorcycle he is selling, always using, when he does so, the prices given in Appendix B for the particular region in which the used motorcycle is located at the time of sale, except where the used motorcycle is located at the time of sale not more than 100 miles from the boundary between regions A and B. If the used motorcycle is located only 100 miles, or a lesser number of miles from this boundary, the following shall determine what region shall be used for the purpose of selecting the price in Appendix B. If the seller is a dealer or other seller generally engaged in the business of selling used motorcycles, he shall use the Appendix B price for the region in which is located his established place of business. If he has an established place of business in more than one region, he shall use the first applicable of the following: The Appendix B price for the region in which is located the place of business from which the sale is made; the Appendix B price for the region in which is located the established place of business closest to the place of sale. If the seller is a person not generally engaged in the business of selling used motorcycles, he shall use the Appendix B price for the region which contains the state where the used motorcycle is registered at the time of sale, or if not registered at the time of sale, the state where it was last registered before the time of sale. The regions for which prices are listed in Appendix B, and the states included in each region, are stated in Appendix A.

(b) *Base price for a used motorcycle of model year 1937, or a later model year, complete with standard equipment.* Take the base price listed in Appendix B when the used motorcycle is complete with standard equipment. "Standard equipment" means all functional parts of a motorcycle and other parts with which it is equipped when delivered as a new vehicle from the factory.

(c) *Base price for a used motorcycle of model year 1936 or before, complete with standard equipment.* Base prices are listed in Appendix B only for model years 1937 and later model years. To determine the base price of a used motorcycle of model year 1936 or before, complete with standard equipment, take the base price in Appendix B for the most comparable 1937 model of the same make.

(d) *Base price for a used motorcycle minus standard equipment.* The base prices in Appendix B are for used motorcycles complete with standard equipment. Where a used motorcycle is minus standard equipment at the time of sale, the base price shall be the price in Appendix B that would be applicable under paragraph (b) or (c) if it were complete with standard equipment less 50% of the retail list price which would be charged for each piece of missing standard equipment if it were new.

SEC. 7. *Warranted used motorcycles—(a) Definition.* A warranted used motorcycle is one:

(1) Which is in good operating condition; and

(2) For which a dealer (as defined in section 15 (b)) furnishes to his purchaser the following warranty in writing:

#### Dealer's Warranty

The used motorcycle described below including a side car or delivery body, if any, is hereby warranted to be in good operating condition, and to remain in such condition under normal use and service for a period of 30 days after delivery, or 1000 miles, whichever may first occur.

We agree, if said vehicle is delivered during the above period to our place of business, to make with reasonable promptness any repairs or replacements, which may be necessary to its good operating condition in accordance with normal use and service, at a cost to the purchaser named below of not more than 50% of the normal charge for such repairs and replacements. Our normal charge is not in excess of O. P. A. ceilings.

This warranty does not extend to tires, tubes, paint, glass, upholstery, or to any repairs or replacements made necessary by misuse, negligence, or accident.

Make of used motorcycle.....  
Model.....  
Serial number.....  
Motor number.....  
Speedometer reading.....  
Name of purchaser.....  
Address.....  
Date of delivery.....  
Total selling price.....  
Name of dealer making sale.....  
(per).....  
Name of proper representative thereof and title.....  
Address.....

(b) *Additional warranties by dealer.* A dealer may extend to the purchaser warranties in addition to those provided in the warranty stated in paragraph (a), but this shall be done in warranties separate and in addition to the warranty provided in paragraph (a), and the maximum price established by section 5 shall not be increased thereby.

(c) *Failure to comply with warranty.* If any dealer shall fail to perform his obligations under the terms of the warranty in paragraph (a), he shall be deemed to have violated the regulation by charging a price above the non-warranted maximum price.

SEC. 8. *Special maximum prices—(a) Maximum prices for used motorcycles which cannot be priced under sections 5 and 6.* The maximum price for a used motorcycle which cannot be priced under sections 5 and 6 shall be a price, in line with the level of maximum prices established by this regulation, specifically authorized by the Office of Price Administration. Any seller seeking such an authorization shall file an application with the Office of Price Administration, Washington, D. C. If the seller does not file under this section, the Office of Price Administration may establish a maximum price of its own accord. This price shall be in line with the level of maximum prices established by this regulation. Authorization of prices under this paragraph shall be by order.

<sup>1</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

<sup>2</sup> 9 F.R. 9415, 10636, 13287.

<sup>3</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 9835.

(b) *Maximum prices of used motorcycles purchased from the United States Government which cannot be adequately priced under sections 5 and 6.* Where the maximum price permitted under sections 5 and 6 for a used motorcycle purchased from the United States Government would not permit the reseller to obtain a fair margin of profit, he may apply to the Office of Price Administration, Washington, D. C., for a special maximum price. In his application he shall give a description of the motorcycle, his purchase cost, and a proposed maximum price, and attach to the application a copy of the invoice covering the sale to him which was issued by the agency of the United States making the sale. If the information available to the Office of Price Administration justifies a special maximum price, this price shall be authorized by order.

#### ARTICLE III—GENERAL PROVISIONS

**SEC. 9. Federal and State taxes.** There may be added to the maximum price for the sale of any used motorcycle the amount of any Federal, State, county or municipal tax upon, or incident to, the particular sale, or delivery or processing in connection with such sale. There may also be added to this maximum price the amount of any Federal, State, county or municipal tax on the use of such motorcycle which applies to any unexpired part of the period the tax covers. Any taxes paid on the used motorcycle or extra equipment when new are not to be added to, or included in, the maximum price.

**SEC. 10. Label or tag to be attached to a used motorcycle.** Every person generally engaged in the sale of used motorcycles shall attach to every used motorcycle on display a label or tag not smaller than 4" x 8" in the form given below, on which shall be set forth legibly all of the information called for in such form.

#### OFFICE OF PRICE ADMINISTRATION

Washington, D. C.

Form No. 694-2130

This tag<sup>4</sup> is in accordance with Section 10 of Maximum Price Regulation No.

Make.....	Model.....
Year.....	Motor No.....
Serial No.....	
(1) Maximum Price \$.....	
Warranted [ ] Not Warranted [ ]	
Check one	
(2) Addition for federal, state or city taxes.....	
(3) Total of (1) and (2) \$.....	
Dealers Name.....	
Address.....	
City and State.....	

**SEC. 11. Invoice or bill of sale.** Any person who sells a used motorcycle shall deliver to his purchaser an invoice or bill of sale. This invoice or bill of sale shall contain the following:

(a) A description of the used motorcycle sold, including the make, model and model year.

<sup>4</sup> Dealer is responsible for reproduction of the tag without charge.

(b) The actual price paid.

(c) The maximum price.

(d) A statement that the used motorcycle was or was not warranted.

(e) A statement that a side car or delivery body was sold or not sold with the used motorcycle.

**SEC. 12. Records and reports—(a) Records.** Every person who sells a used motorcycle shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, keep and make available for examination by the Office of Price Administration records customarily kept in connection with the sale of a used motorcycle, and a copy of the warranty, if any, furnished in accordance with section 7.

(b) *Additional records and reports.* Every dealer, or other seller generally engaged in the business of selling used motorcycles, shall keep such records and file such reports in addition to those required by paragraph (a) as the Office of Price Administration may from time to time require. Such additional records and reports, however, shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

**SEC. 13. Evasion.** It shall be a violation of this regulation to charge a price above the applicable maximum price in connection with any sale of a used motorcycle, either alone or in conjunction with any other consideration even though the price increase appears only indirectly. Specifically, the seller is not permitted to require the purchaser, as a condition of the sale or transfer of the used motorcycle, to make payment over a period of time; to require him to finance the purchase through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts or services so as to increase the total compensation above the maximum price; to require him to purchase any other commodity or service; to require him to make payment in whole or in part by exchanging or transferring or trading-in any other vehicle or other product or commodity, or where there is an exchange, transfer or trade-in, to require him to accept an allowance for the vehicle, product or commodity exchanged, transferred or traded-in which is below its reasonable value. Furthermore, the seller is prohibited from providing for purchase of the used motorcycle by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable maximum price at the time the rental contract is entered into, and from making the terms and conditions of sale more onerous to purchasers than they have customarily been except to the extent allowed by this section. However, the Office of Price Administration may upon written request grant written permission to any dealer, or other person generally engaged in the selling of used motorcycles, subject to this regulation to change his credit terms, where such change is necessitated by, or at the request of, the United States. It shall also be a violation of the regulation for a purchaser to pay a finder's fee or other compensation to the

seller or any other person where the finder's fee or other compensation plus the price for the used motorcycle would exceed the permitted maximum price.

**SEC. 14. Enforcement.** Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

**SEC. 15. Licensing.** The provisions of Licensing Order No. 1<sup>5</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 16. Definitions.** When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Dealer" means a person engaged, in whole or in part, in the business of buying for resale, selling, repairing and reconditioning used motorcycles and who maintains a place of business for the display, sale, repairing and reconditioning of such motorcycles. A person who cannot qualify as a dealer because he does not maintain a place for repairing and reconditioning may be approved in writing as a dealer under this regulation by the Office of Price Administration regional office for the region in which his place of business is located, or a district office in that region authorized by such regional office, if he provides adequate evidence to that office that he has established, and is in a financial position to maintain, a working arrangement with a reputable business engaged in the repairing and reconditioning of used motorcycles.

(c) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements except as excluded by section 2 (c). It also includes transfers by banks, finance companies, or other persons discounting promissory notes following the taking of possession by such persons upon default of the persons making such promissory notes except as excluded by section 2 (d). The term "sale" does not refer to the adjustments of losses made in connection with settlements of claims under contracts of insurance against fire, theft, collision, other loss of property or other coverage, even though the right of subrogation may be involved, or to transfers to insurers in connection with adjustments of total losses under

<sup>5</sup> 8 F.R. 13240.

insurance contracts. The term "sale", "seller", "selling", "purchase", "purchaser" and "purchasing" shall be construed accordingly.

(d) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and the Defense Supplies Corporation or any agency of the foregoing.

SEC. 17. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>o</sup> issued by the Office of Price Administration.

APPENDIX A—REGIONS FOR WHICH BASE PRICES ARE LISTED IN APPENDIX B AND STATES INCLUDED IN SUCH REGIONS

Region A	Region B
All states not listed under Region B, and the District of Columbia.	Arizona California Idaho Nevada Oregon Utah Washington

APPENDIX B—TABLE OF BASE PRICES

(a) Harley Davidson

Model	Base price in region—	
	A	B
45 W or 45 WLA Twin 45":		
1942, 1943, 1944.....	\$316	\$332
1941.....	252	253
1940.....	223	244
1939.....	209	216
1938.....	165	181
1937.....	159	156
61E Twin-OHV:		
1942, 1943, 1944.....	264	359
1941.....	292	293
1940.....	264	289
1939.....	223	244
1938.....	195	211
1937.....	155	171
75U or 74UA Twin 74":		
1942, 1943, 1944.....	332	348
1941.....	284	289
1940.....	240	256
1939.....	203	224
1938.....	175	191
1937.....	135	151
80—Twin 80":		
1942, 1943, 1944.....	352	353
1941.....	250	255
1940.....	252	253
1939.....	220	225
1938.....	190	201
1937.....	150	165
74 Twin—74"—OHV:		
1942, 1943, 1944.....	395	412
1941.....	316	332
1940.....	284	300
1939.....	248	264
1938.....	212	223
1937.....	175	191
G or GA Servi-car—3 Wheel:		
1942, 1943, 1944.....	452	463
1941.....	360	376
1940.....	324	340
1939.....	284	300
1938.....	244	260
1937.....	204	220
XA Army Special Shaft Drive:		
1942, 1943, 1944.....	320	333
1941.....	256	272

APPENDIX B—TABLE OF BASE PRICES—Con.

(b) Indian Motorcycles

Model	Base price in region—	
	A	B
4-4 cylinder:		
1942, 1943, 1944.....	326	323
1941.....	296	293
1940.....	266	263
1939.....	236	233
1938.....	206	203
1937.....	176	173
3-Twin 74":		
1942, 1943, 1944.....	304	303
1941.....	274	273
1940.....	244	243
1939.....	214	213
1938.....	184	183
1937.....	154	153
3-Twin 45":		
1942, 1943, 1944.....	244	243
1941.....	214	213
1940.....	184	183
1939.....	154	153
1938.....	124	123
1937.....	94	93
5-Twin 45":		
1942, 1943, 1944.....	334	333
1941.....	304	303
1940.....	274	273
1939.....	244	243
1938.....	214	213
1937.....	184	183
Dispatch tow—3-wheel:		
1942, 1943, 1944.....	464	459
1941.....	434	429
1940.....	404	399
1939.....	374	369
1938.....	344	339
1937.....	314	309
8-Army Special—Shaft Drive:		
1942, 1943, 1944.....	333	333
1941.....	303	303
7-Army Special—Twin 60-59-1941:		
1941.....	232	233

This regulation shall become effective on January 15, 1945 for sales of used motorcycles purchased by their sellers as used motorcycles prior to December 2, 1944. For all other sales this regulation shall become effective on December 7, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18323; Filed, Dec. 2, 1944;  
12:01 p. m.]

# PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C; Amdt. 104]

## MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

1. Section 1394.7652 (a) is amended by deleting the phrase "each Class A book issued for use in the gasoline shortage area before November 8, 1944, shall contain forty-eight coupons," and by deleting the phrase "after November 8, 1944."

2. Section 1394.7652 (b) is amended by deleting the first and third sentences.

3. Section 1394.7653 (d) (1) (ii) is revoked.

4. Section 1394.7653 (d) (3) is revoked.

5. Section 1394.7654 is revoked.

6. Section 1394.7701 (a) (1) is amended to read as follows:

(1) Class B or Class C coupons for use with passenger automobiles or Class D coupons for use with motorcycles in strip form bearing serial numbers in consecutive order and issued in connection with a folder, which shall identify the coupons with the vehicle and the owner of the vehicle for which the ration is issued.

7. Section 1394.7701 (a) (2) is revoked.

8. Section 1394.7701 (b) is amended by deleting the second sentence and by deleting in the third sentence the expression "Class B or Class C" and substituting therefor the expression "Class B, C or D".

9. In § 1394.7705 (a) the second sentence is amended by substituting for the phrase "Class B or C coupons" the phrase "Class B, C, or D coupons."

10. In § 1394.7705 (a) (4) the text preceding the tables is amended to read as follows: "In the case of a motorcycle the Board shall issue Class D coupons in strip form bearing serial numbers in consecutive order and issued in connection with a folder (to be marked 'Supplemental') containing the number of coupons specified in Table IC to provide the mileage allowed by the Board."

11. In § 1394.7705 (a) (4) Table IC is amended in the following respects:

The second sentence in the text immediately preceding the schedule of miles and coupons is amended to read: "Allowed mileage in excess of 400 miles per month in Area A, 475 miles per month in Area B and 325 miles per month in the gasoline shortage area must be preferred mileage or mileage allowed under § 1394.7707."

The note immediately following the schedule of miles and coupons is amended by deleting the second sentence.

12. Section 1394.7705 (b) is revoked.

13. In § 1394.7705 (e) the last sentence is amended to read as follows: "It shall issue Class B or Class C coupons for use with a passenger automobile and Class D coupons for use with a motorcycle."

14. The text of § 1394.7751 (a) is amended by deleting the words "coupon books," and by substituting for the words "gasoline deposit certificates" the words "ration checks".

15. Section 1394.7751 (a) (1) is amended by deleting the words "Class B or Class C coupon books, or".

16. Section 1394.7751 (a) (2) is amended to read as follows:

(2) Class D coupons in strip form bearing serial numbers in consecutive order and accompanied by a folder marked "Official" or "Fleet" for use with motorcycles.

\* 7 F.R. 10476.

\* Copies may be obtained from the Office of Price Administration.

\* 8 F.R. 15937.

17. Section 1394.7751 (a) (3) is amended by substituting for the words "gasoline deposit certificates" the words "ration checks".

18. Section 1394.7751 (b) is amended by deleting the second sentence.

19. In the text of § 1394.7755 (a) preceding subparagraph (1) the second and third sentences are amended to read as follows:

The Board shall issue the ration in the form of Class B, C or D coupons, which shall be in strip form, shall bear serial numbers in consecutive order and shall be accompanied by a folder. The person issuing the ration shall note on each folder issued the date of issuance as the date on which the coupons become valid and the earliest renewal date three months from the date of issuance.

20. The text of § 1394.7755 (a) (4) preceding the tables is amended to read as follows: "In the case of a motorcycle the Board shall issue Class D coupons in strip form bearing serial numbers in consecutive order and issued in connection with a folder (to be marked "Fleet" if issued for use with a fleet motorcycle and "Official" if issued for use with an official motorcycle) containing the number of coupons specified in Table IIIC to provide the mileage allowed by the Board. The Board shall note the date of issuance on such folders as the date on which they become valid, and an earliest renewal date three months from the date of issuance."

21. Table IIIC in § 1394.7755 (a) (4) is amended in the following respects:

The explanatory sentence immediately preceding the schedule of miles and coupons is amended to read: "All allowed mileage in excess of 400 miles per month in Area A, 475 miles per month in Area B and 325 miles per month in the gasoline shortage area must be preferred mileage."

The note following the schedule of miles and coupons is amended by deleting the last sentence.

22. In § 1394.7755 (b) the first sentence is deleted; in the second sentence the words "gasoline deposit certificates" are deleted and the words "ration checks" are substituted therefor and the remainder of the text beginning with the third sentence is amended to read as follows:

The Board shall first determine the type, number and earliest renewal date of the ration coupons to which the applicant is entitled; it shall then issue a ration check or checks to the extent requested by the applicant, in an amount equal to the gallonage value of the coupons to which the applicant is entitled in lieu of which ration checks are issued. At the time of issuance of any ration check, the Board shall note upon the application for a gasoline ration the earliest renewal date of the ration and the gallonage value of the ration checks issued.

23. § 1394.7756 the section heading is amended to read: "Interchangeable official or fleet rations."

24. In § 1394.7756 the first sentence of the text is amended by deleting the expression "or, in the case of Class B, C or D ration books, upon the ration book," and the last sentence is amended to read as follows:

Whenever any folder issued in connection with Class B, C, or D coupons issued as an official or fleet ration bears such an identification made by a Board, the coupons identified on such folder may be used interchangeably for all official or fleet vehicles bearing such identification.

25. In § 1394.7757 (a) the last sentence is amended by deleting the expression "2A or".

26. In § 1394.7757 (c) the second sentence is amended by deleting the words "ration book or" and the third sentence is amended to read: The Board shall note on the folder and on the application the date on which the book becomes valid and the earliest renewal date.

27. Section 1394.7758 (c) is amended by deleting the second sentence, by deleting from the third sentence the words "and shall remove from any ration book issued all coupons in excess of such number", and by deleting from the fourth sentence the words "book or" in the two places where they now appear.

28. Section 1394.7803 (a) is amended to read as follows:

(a) Class T coupons, and, in the case of motorcycles owned or leased by and operated by the State military forces organized pursuant to Section 61 of the National Defense Act, as amended, Class D coupons shall be issued as transport rations. All Class T and Class D coupons shall be issued in strip form, and the coupons shall bear serial numbers in consecutive order. A folder shall be issued with such coupons which shall identify the coupons with the vehicle or fleet (the folder issued with Class D coupons shall be marked "Transport") and the owner of the vehicle or fleet for which the ration is issued.

29. Section 1394.7803 (b) is amended to read as follows:

(b) Serially numbered Class T and D coupons issued as a transport ration shall authorize the transfer of gasoline only during the period noted by the Board on the folder which it issues with such coupons.

30. Section 1394.7805 (d) is amended to read as follows:

(d) *Issuance of transport rations.* In respect to motor vehicles, other than motorcycles, the Board shall issue a sufficient number of Class T coupons, and in respect to motorcycles, a sufficient number of Class D coupons, bearing consecutive serial numbers, to provide the number of gallons of gasoline allowed. The Board shall issue with such coupons a folder, and shall note on the folder the serial numbers of the coupons issued, the date of issuance and expiration, the identification of the vehicle or fleet and shall mark the folder issued in respect to motorcycles "Transport". However, if it is necessary for the applicant to receive bulk transfers of gasoline and if he meets

the requirements of § 1394.8006, in regard to bulk transfers, or if the applicant is entitled to acquire gasoline upon a delayed settlement basis in the manner provided in § 1394.8153a, the Board may issue one or more ration checks to provide all or any part of the gallonage allowed. At the time of issuance of any ration check, the Board shall note upon the application for a gasoline ration the expiration date of the ration and gallonage value of ration checks issued.

31. In § 1394.7807 in the first sentence the parenthetical expression "(or, in the case of motorcycles, upon the Class D ration book)" is deleted, and the expression "or Class D Coupons" is substituted therefor, and the last sentence is amended to read as follows:

Whenever any folder issued in connection with Class T or Class D coupons issued as a Transport ration bears a notation made by the issuing Board of a fleet identification or a fleet certificate number, the coupons identified on such folder may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet certificate.

32. Section 1394.7851 (b) (2) (viii) is revoked.

33. Section 1394.7851 (c) (2) is amended to read as follows:

(2) The type and number of current rations already issued for the vehicle, boat, or outboard motor, for which the application is made, and the gallonage value of such rations;

34. Section 1394.7851 (c) (4) is amended by deleting the parenthetical expression "(viii)".

35. Section 1394.7851 (d) is amended to read as follows:

(d) If application is made for a Special ration for use with a motorcycle or a passenger automobile for which a basic or supplemental ration is currently outstanding, the applicant shall present to the Board the mileage rationing record issued for such vehicle.

36. Section 1394.7852 (a) (6) is amended by deleting the expression "2A or" and the expression "section 2.7 of".

37. In § 1394.7852 (b) (2) in the seventh sentence the expression "fire inspection record" is deleted and the expression "mileage rationing record" is substituted therefor; the second, third, fourth, and fifth sentences are deleted, and the following is substituted therefor:

The coupons so issued shall be serially numbered and shall be accompanied by an appropriate folder. The person issuing the ration shall mark on such folder the word "Special", the date of issuance, the date on which the ration expires and that the ration will expire on that date, the identification of any vehicle for which the ration is issued and the serial numbers of the coupons issued.

38. Section 1394.7856 (c) (1) is amended to read as follows:

(1) The Board shall write "Special" upon the folder accompanying the serially numbered strip coupons.

39. Section 1394.7856 (c) (3) is amended to read as follows:

In the case of a vehicle available for public rental, if the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue coupons in sufficient number to allow the allowed mileage for only the remaining term of the lease and shall write on the folder the date on which the lease terminates and that the coupons will expire on that date.

40. Section 1394.8051 (c) is amended to read as follows:

(c) When renewing a ration prior to the end of the period for which a current ration of the same class was issued, the Board shall note on the application and on the folder accompanying the coupons (or on the cover of the coupon book, if any,) the date on which such coupons shall become valid. Such date shall be the earliest renewal date of the current ration or the day following the expiration date.

41. In § 1394.8102 (a) the first sentence is amended to read as follows: "All Class A coupons and Class D coupons issued as basic rations shall expire at the end of the respective valid periods provided in § 1394.7652.

This amendment shall become effective December 6, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18317; Filed, Dec. 2, 1944; 11:59 a. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,<sup>1</sup> Amdt. 165]

##### MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

Section 1394.7704 (a) (3) is amended to read as follows:

(3) If the application is made for a ration to be used for transporting the applicant or principal user of the vehicle to and from a place of employment at a plant or facility listed in § 1394.7706 (o) at which more than one hundred persons are employed, or at any other establishment designated by the District Director when such designation will result in the conservation of gasoline, such application must be certified as indicated thereon by an officer in charge of an organized transportation plan at such establishment.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 15937.

(i) Upon the refusal of a person in charge of an organized transportation plan to certify an applicant for a supplemental ration, within three days of such refusal, he shall forward such application, together with a statement setting forth the reasons for such refusal, to the appropriate Board. The Board shall, at the request of the applicant, review the application and shall issue the ration if it is satisfied by clear and convincing proof that the applicant is entitled to it.

(ii) Whenever a District Director shall determine that an organized transportation plan is not necessary at any of the establishments enumerated in this paragraph because it does not offer sufficient benefits to justify its operation, he may issue an order eliminating the requirement for certification.

This amendment shall become effective December 6, 1944.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18318; Filed, Dec. 2, 1944; 11:59 a. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,<sup>1</sup> Amdt. 26]

##### FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5401 is amended to read as follows:

§ 1394.5401 *Rations for commercial motor vehicles*—(a) *General*. A person controlling the use of a commercial motor vehicle (as defined in General Order 21 of the Office of Defense Transportation) may obtain a ration for its operation during the current calendar quarter if he has a currently valid Certificate of War Necessity issued for such vehicle by the Office of Defense Transportation.

(1) The ration shall be (i) the quantity of fuel oil certified in the Certificate of War Necessity (or the latest modification thereof) for the current calendar quarter for which the ration is sought or (ii) the quantity of fuel oil which the applicant states he requires for that period, whichever is less. The ration shall be evidenced in the manner specified in paragraph (d) of this section.

(b) *Renewals*. Application for the renewal of a ration for the operation of

a commercial motor vehicle may be made not earlier than fifteen (15) days before the expiration of the calendar quarter for which the current ration for the purpose was issued. No application form need be used for this purpose. The renewed ration shall be the quantity of fuel oil certified in the Certificate of War Necessity (or the latest modification thereof) for the calendar quarter for which the renewed ration is sought unless any of the following circumstances is present, in which event, the Board will determine the lesser quantity of fuel oil required by the applicant for the purpose and shall issue a ration in that amount:

(1) The applicant informs the Board that his needs are less than such quantity.

(2) The Board finds that the requirements of the applicant have been decreased by a reduction in or discontinuance of his operations.

(3) The Board finds that the applicant has misused his rations in such a manner as to show that his needs are less than such quantity.

(4) The applicant fails to use all of his ration for the preceding quarter or fails to appear within a reasonable period of time to receive his ration when the circumstances surrounding such failure show that such quantity is excessive.

The renewed ration shall be evidenced in the manner specified in paragraph (d) of this section.

(c) *Additional rations*. (1) The Board may issue to an applicant, who has a current ration for the operation of a commercial motor vehicle for which a Certificate of War Necessity has been issued, an additional ration for a non-recurring need which does not extend beyond the current calendar quarter. The application shall be made on OPA Form R-597. The applicant shall supply the information required by the form.

(2) If, during the quarter for which a ration under this section has been issued to the applicant, the Board receives from the Office of Defense Transportation notice of an increase in his allowance for that quarter (and other quarters), an additional ration equal to the increase for that quarter shall be issued to him. No application form need be used for this purpose.

The additional ration (under subparagraph (1) or (2)) shall be evidenced in the manner specified in paragraph (d) of this section.

(d) *How the ration shall be issued*. The Board shall, except in the case of additional rations, deduct from the ration the amount of fuel oil and ration evidences or ration credits the applicant has, or is expected to have, on hand at the beginning of the period for which the ration is issued. The ration, the renewed ration or the additional ration, as the case may be, shall then be issued in Class 3 coupon sheets except that if the amount of fuel oil that the applicant may acquire during the period for which the ration is issued is 5,000 gallons or more a fuel oil deposit certificate will be issued instead of coupons at the request of the applicant. However, if a fuel oil



deposit certificate evidenced the previous ration for the purpose issued to the applicant, a fuel oil deposit certificate only will be issued.

2. Section 1394.5407 (d) is amended to read as follows:

(d) After determining the allowable ration, the Board shall issue coupons or a fuel oil deposit certificate in the manner provided in § 1394.5367.

3. Section 1394.5462 (a) is amended by substituting for the number "1394.5368 (d)", the number "1394.5367 (e)".

4. Section 1394.5462 (b) is amended to read as follows:

(b) If the application is made on OPA Form R-1102 or R-1103 and the amount of fuel oil which the applicant may acquire is 5,000 gallons or more (if the period for which the ration is to be issued is three months) or 10,000 gallons or more (if the period for which the ration is to be issued is six months), a fuel oil deposit certificate will be issued instead of coupons upon request of the applicant. However, if a fuel oil deposit certificate evidenced the previous ration for the purpose issued to the applicant, a fuel oil deposit certificate only will be issued.

5. Section 1394.5462 (c) and (d) are revoked.

6. Section 1394.5551 (a) is amended by inserting immediately preceding the period at the end thereof the following phrase "or for the operation of commercial motor vehicles."

7. Section 1394.5552 (a) (3) is amended by deleting the number "1394.5401".

This amendment shall become effective on December 6, 1944.

NOTE: All reporting and record keeping requirements of this revised ration order have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18316; Filed, Dec. 2, 1944;  
11:59 a. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11, Amdt. 37]

##### FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5692 (b) (4) is added as follows:

(4) No separate ration bank account may be opened for a dealer establish-

ment which has no registered storage capacity (as defined in § 1394.5703). Any dealer who has such a separate bank account must by December 18, 1944, close the account by issuing checks to the persons to whom he is required to surrender evidences under any of the provisions of this order.

2. Section 1394.5712 (a) is amended by adding the following parenthetical sentence: "(If delivery was made for the account of a person located without the limitation area, or for the account of a registered dealer without registered storage capacity, see § 1394.5735 (b) (3))."

3. Section 1394.5732 (a) (1) is amended to read as follows:

(1) *All transfers.* Every person (other than as a consumer), whether within or without the limitation area, who makes a transfer of fuel oil to any dealer or primary supplier within the limitation area shall furnish to such dealer or primary supplier an invoice, delivery ticket, or other customary document of transfer showing the name and address of the transferor and transferee, the date and amount of the fuel oil transferred and the place where delivered. If the fuel oil is delivered to a person (whether or not he is a consumer) for another person's account, the person making the delivery (other than as a carrier) need furnish the invoice, delivery ticket or other customary document of transfer only to the person for whose account the delivery is made. That invoice, delivery ticket or other customary document of transfer shall also state the name and address of the person to whom the fuel oil is delivered. The person for whose account the delivery is made must furnish an invoice, delivery ticket or other customary document of transfer to the person (if other than a consumer) to whom the fuel oil is delivered. The transferor shall make, and keep at his place of business for a period of at least two (2) years from the date of the transfer, a copy of the invoice, delivery ticket or other customary document so furnished by him. The transferee shall retain at his place of business for a period of at least two (2) years from the date of the transfer the invoice, delivery ticket or other document so furnished him. In addition, if evidences of a gallonage value equal to the amount of the fuel oil transferred are surrendered at the time of the transfer, the transferor and the transferee shall each note that fact on his copy of the invoice, delivery ticket or other record. If the surrender of evidences is required for the transfer (and in the case of a dealer without registered storage capacity would have been required for the transfer if he had registered storage capacity) and evidences of a gallonage value equal to the amount of the fuel oil transferred are not surrendered at the time of the transfer, the transferor and transferee shall also comply with the record keeping requirements of whichever of the following two subparagraphs is applicable.

4. Section 1394.5732 (b) is amended by substituting for the next to the last sentence in the paragraph the following: "This paragraph applies only to the dealer or primary supplier to whom ration evidences must be surrendered and to a dealer without registered storage capacity whether or not evidences must be surrendered to him."

5. The text of § 1394.5735 (b) preceding the examples is amended to read as follows:

(b) *Exception where seller is without the area or is a registered dealer without registered storage capacity.* (1) However if the seller is without the limitation area or is a registered dealer who has no registered storage capacity, the buyer must surrender ration evidence (or furnish a primary supplier registration number) to the deliverer (unless that surrender of evidence is not required by any provision of this order).

(2) No ration evidence may be surrendered (and no primary supplier registration number need be furnished) by the buyer to the seller or by the seller to the deliverer but the deliverer may designate the seller as his agent to obtain the ration evidence (or primary supplier registration number) from the buyer. If so designated, the seller must surrender the ration evidence collected to the deliverer, and if it is a ration check, he must endorse it before the surrender. No such evidence may be used by the seller to acquire fuel oil.

(3) If the buyer fails to surrender evidence (either to the seller or the deliverer) for the transfer within fifteen (15) days after that surrender was required, the report specified in § 1394.5712 shall be made by the deliverer but he shall state, in addition to the information required in that section, (i) the name and address of the seller, and (ii) that the transfer was made for the account of the seller.

(4) No such seller shall cause a delivery of fuel oil to be made to a buyer (required to surrender evidences for the delivery) except in exchange for ration evidences equal in gallonage value to the fuel oil delivered, surrendered at the time of the delivery or, in the case of a buyer other than a consumer who is not a depositor, within fifteen (15) days in advance of the delivery, if the seller has reasonable cause to believe any of the following:

(i) That the buyer does not have on hand (as defined in § 1394.5687 (b) or § 1394.5707 (a) (6), whichever applies) at the time the seller requests the delivery, ration evidences or ration credits equal in gallonage value to the fuel oil to be delivered; or

(ii) That the buyer will not have on hand at the time delivery is made ration evidences or ration credits equal in gallonage value to the fuel oil to be delivered; or

(iii) That the buyer has failed to surrender evidences for a previous transfer

\*Copies may be obtained from the Office of Price Administration.  
19 F.R. 2357.

and more than fifteen (15) days have elapsed since that surrender was required. If the previous transfer (for which the buyer failed to surrender evidences) was a delivery caused by the seller, the seller may not cause any subsequent delivery to be made to the buyer unless the report, required by § 1394.5712 as to the previous transfer, has been filed.

This amendment shall become effective on December 8, 1944.

NOTE: All reporting and record keeping requirements of this revised ration order have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 4th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18375; Filed, Dec. 4, 1944;  
11:28 a. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS

[Restriction Order 9, Amdt. 1]

#### LAUNDRY SOAP, SOAP FLAKES AND SOAP POWDER IN VIRGIN ISLANDS

A rationale accompanying this restriction order, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Restriction Order No. 9 is amended in the following respect:

1. The effective date of Restriction Order No. 9 is amended to read as follows:

**Effective date.** This order shall become effective at 12:01 a. m., November 14, 1944, and shall expire as of November 16, 1944.

This amendment shall become effective November 16, 1944.

Issued this 16th day of November 1944.

JACOB A. ROBLES,  
Territorial Director,  
Virgin Islands.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 44-18326; Filed, Dec. 2, 1944;  
11:55 a. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 183, Amdt. 56]

#### GROCERY ITEMS, ETC., IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 183 is amended in the following respects:

\* 9 F.R. 9213, 9236, 9996, 10425, 10498, 10777, 11075, 11543, 12212, 12596, 13002, 13526, 13805.

1. Section 20, Table 3 is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Canned apricots:			
Airmail (unpeeled halves std.)	21 1/2 oz. can	\$3.00	\$3.35
Century (halves)	6 1/2 oz. can	7.10	1.53
Del Monte (unpeeled halves)	21 1/2 oz. can	7.00	.50
Del Monte (unpeeled whole)	21 1/2 oz. can	6.50	.33
Floall (whole)	21 1/2 oz. can	7.40	.50
Heart's Delight (unpeeled halves)	21 1/2 oz. can	7.40	.50
Palmdale (halves)	21 1/2 oz. can	8.00	.43
Stokely (unpeeled whole)	21 1/2 oz. can	8.00	.52
Canned cherries:			
Maraschino style: S. & W.	4 1/2 gal. (9 1/2 qt.)	10.00	0.00
Royal Ann Pacific Gold	21 1/2 oz. can	7.00	.37
Canned fruit cocktail:			
Stokely	43 1/2 oz. can	0.00	.25
Canned fruit mix:			
Belmont	21 1/2 oz. can	4.00	.27
Canned peaches:			
Yellow King (halves):			
Premier (Old Fashion)	21 1/2 oz. can	0.00	.47
Three Castles	6 1/2 oz. can	0.00	1.42
Canned pears:			
Bartlett (halves):			
Lucky Boy	6 1/2 oz. can	8.00	1.74
Premier	21 1/2 oz. can	0.00	.52
Water:			
Favorite	6 1/2 oz. can	4.40	.55
Santa Cruz	6 1/2 oz. can	4.40	.55

2. Section 20, Table 3a is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Applesauce:			
S & W	21 1/2 oz. jar	\$7.25	\$9.00
Tablets Bros.	21 1/2 lb. jar	7.10	.33

3. Section 21, Table 4 is amended by adding new items to read as follows:

Items & brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Applesauce:			
Chilled	43 1/2 oz. tin	\$5.47	\$7.14
Pedestal	43 1/2 oz. tin	5.25	.14
Prune Juice:			
Heart's Delight	21 1/2 oz. bot.	3.60	.20
Smurgo	21 1/2 oz. bot.	3.70	.20

4. Section 22, Table 5a is amended by adding a new item to read as follows:

Item and brand name	Unit—case of:	Price at wholesale	Price at retail
Corned beef hash:			
Hygrade	21 1/2 oz. tin	\$7.85	\$9.20

5. Section 22, Table 6a is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
All pork party loaf: Honey	4 1/2 oz. can	\$4.18 per doz.	\$9.43
Armour's: Sausages in oil	7 1/2 oz. can	\$2.20	\$7.60
Frankfurters: Claridge	2 1/2 oz. tin	\$2.00	\$7.24
Ham: Wilson's Tenderloin	6 1/2 oz. can	\$9.00 lb.	\$9.81 lb.
Imitation chicken loaf: Honey	6 1/2 oz. can	\$2.20 lb.	\$2.40 lb.
Lunchon tongue: Hormel	4 1/2 oz. can	\$2.60	\$7.50
Ox tongue: Kirby	12 1/2 oz. jar	\$7.75	\$10.00
Pig's feet:			
Morrell	12 1/2 oz. glass	\$4.50	\$9.44
Wilson	12 1/2 oz. glass	\$2.10	\$9.21
Pork sausage (meat without casing):			
Honey	21 1/2 oz. can	\$7.25 per doz.	\$9.75
Honey	21 1/2 oz. can	\$4.25 per doz.	\$9.54
Scrapple:			
Stahl Meyer	21 1/2 glass	\$5.00	\$9.20
Vert	21 1/2 glass	\$5.00	\$9.20
Sliced dried beef: Bradley	21 1/2 oz. glass	\$5.00	\$9.19
Spiced luncheon meat: K-P	21 1/2 oz. tin	\$7.50	\$9.47

6. Section 23, Table 7 is amended by adding new items to read as follows:

Items & brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Dorset:			
Chicken broth	12 1/2 tin	\$2.00	\$9.23
Hormel:			
Chicken broth	6 1/2 tin	\$2.40	.50
Diplomat:			
Chicken noodle	21 1/2 oz.	\$3.00	.17
Holz:			
Beef noodle	21 1/2 can	\$1.50 per doz.	.10
Hurff's:			
Asparagus	4 1/2 oz. can	\$1.25 per doz.	.14
Fresh pea	4 1/2 oz. can	\$1.25 per doz.	.14

7. Section 23, Table 7a is amended by adding a new item and a new size to read as follows:

Item and brand name	Unit—case of:	Price at wholesale	Price at retail (per unit)
All brands and all varieties:			
Except the following:			
Muchmore:			
Kraft's Peanut	2 1/2 oz. pkg.	\$1.00 per doz.	\$9.10 pkg.
	3 1/2 oz. pkg.	\$1.40 per doz.	\$9.10 or 2 1/2 oz.

3. Section 24, Table 9 is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Tomato juice:			
Exquisite.....	6# 10 can.....	\$3.20	\$0.70
Fame.....	12/46 oz. can.....	3.20	.35

9. Section 25, Table 10 is amended by adding new items to read as follows:

Items & brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Artichokes, hearts (Small) S & W.	24 #303 glass.....	\$9.25	\$0.50
Canned asparagus:			
Fame (regular).....	24 #2 tin.....	8.75	.47
Stokely (large).....	24 #2 tin.....	9.20	.50
Stokely (regular).....	24 #2 tin.....	8.75	.47
Asparagus (all green):			
Premier.....	24 #2 can.....	10.45	.58
Asparagus salad point:			
Del Monte.....	24 #2 round tins.....	10.40	.56
Canned beans:			
Cut, green:			
Searock.....	24 #2 tin.....	3.85	.21
Cut, green round pod:			
Champion.....	24 #2 can.....	3.35	.18
Cut, wax:			
Exquisite.....	24 #2 tin.....	4.00	.21
Sequel.....	24 #2 tin.....	3.75	.20
Green, French style:			
Santa Cruz.....	24 #2 tin.....	4.15	.22
Red Kidney:			
Gren Pac.....	24/22 oz. can.....	3.50	.18
Gren Pac.....	24/16 oz. can.....	3.00	.16
La Panza.....	24/16 oz. can.....	3.00	.16
Van Camp.....	48/300 (15 oz.).....	5.65	.15
Van Camp.....	6 #10 tin.....	4.50	.99
Whole Green #1 Sieve:			
Exquisite.....	24 #2 tin.....	5.15	.23
Whole Green #2 Sieve:			
Exquisite.....	24 #2 tin.....	4.80	.23
Canned beets:			
Diced: Sweet Violet.....	24 #2 can.....	3.20	.17
Fancy Shoestring:	24 #2 can.....	3.30	.18
Red Rind.....			
Canned corn: Golden cream style:			
Sunbeam.....	24 #2 can.....	3.55	.18
Canned chickpeas:			
Family.....	24/16 oz. can.....	2.65	.14
Mixed vegetables: Superfine.....	24 #2 can.....	3.60	.20
Canned peas:			
Early June:			
Jesso.....	24 #2 can.....	3.70	.19
Oregon Harvest.....	24 #2 can.....	3.70	.19
Pork and beans:			
Phillips.....	48/1# can.....	3.50	.10
Canned spinach:			
Del Monte.....	24 #2 can.....	4.20	.22
Stokely.....	6 #10 tin.....	4.00	.87
Stringbeans: Cut, green standard: Crown of Maryland.....	24 #2 tin.....	2.85	.15

10. Section 29, Table 14 is amended by adding a new item to read as follows:

Item and brand name	Container	Price to wholesaler (per doz.)	Price at wholesale (per doz.)	Price at retail (per unit)
Other varieties: Rival Lunch.....	4 lbs. cont.....	\$9.65	\$10.60	\$1.10

11. Section 29, Table 15 is amended by adding new items to read as follows:

Items and brand names	Container, type and size	Price at wholesale	Price at retail (per unit)
Burys:			
Easy Biscuit Mix.....	24/10 oz. pkgs.....	\$1.67 doz.....	\$0.17
Vanilla Blossom Cream.....	Ctns. 2/21# ctns.....	\$0.2175 lb.....	\$0.32 lb.
Vanilla Champion.....	Ctns. 2/20# ctns.....	\$0.1875 lb.....	\$0.24 lb.
Lay Trading Company:			
Bridge.....	36/3 oz. pkgs.....	\$1.50 doz.....	\$0.16
Coconut Flvd.....	36/3 oz. pkgs.....	\$1.50 doz.....	\$0.16
Loose Wiles:			
Fig Bars.....	Packed in pkgs. 734 oz. pkgs.....	\$1.80 doz.....	\$0.18 pkg.
Krispy.....	24/1# pkgs.....	\$2.55 doz.....	\$0.23 pkg.
Milko Malt.....	Packed in pkgs. 10 1/2 oz.....	\$2.35 doz.....	\$0.24 pkg.
National Biscuit:			
Graham.....	66/674 oz. pkg.....	\$1.40 doz.....	\$0.14
Nabisco (small).....	66/3 oz. pkg.....	\$1.30 doz.....	\$0.13
Royal Lunch.....	36/1# pkg.....	\$3.00 doz.....	\$0.31
Vories:			
Dorothea Sandwich.....	24/4 oz. pkg.....	\$0.94 doz.....	\$0.10

12. Section 32, Table 18 is amended by adding a new item to read as follows:

Brand	Container	Price to wholesaler	Price at wholesale	Price at retail (per unit)
Shortening: Crisco.....	24/1# container.....	\$6.10	\$0.70	\$0.33

13. Section 32, Table 18a is amended by adding new items to read as follows:

Brand	Container, size and unit	Price at wholesale	Price at retail
Olive oil:			
Benedetto.....	24/16 oz. bot.....	\$21.00	\$1.20
Benedetto.....	24/8 oz. bot.....	13.00	.69
Benedetto.....	24/4 oz. bot.....	7.45	.34
Bonoli.....	24/3 oz. bot.....	5.10	.29
Fremont Trail.....	24/8 oz. bot.....	(doz.) 7.00	.71
Fremont Trail.....	24/4 oz. bot.....	(doz.) 3.75	.39
Fremont Trail.....	12/4 oz. bot.....	(doz.) 3.75	.39
Reumberto.....	6 1/2 gal.....	23.40	4.63
Reumberto.....	6 1/4 gal.....	11.90	2.40
Reumberto.....	4/1 gal.....	30.15	8.76
Vegetable:			
Amigo.....	1/5 gal. cont.....	7.70	0.23
Bravo.....	1/5 gal. tin.....	8.65	10.76
Tra-la-la.....	24/6 oz. bot.....	3.20	.16
Victoria.....	ctns. 12/32 oz. gls.....	5.60	.64
Victoria.....	24/8 oz. glass.....	3.65	.18
Victoria.....	4/1 gal. gls.....	6.45	2.00

14. Section 32, Table 18b is amended by adding a new size to read as follows:

Brand	Container, size and unit	Price at wholesale	Price at retail (per unit)
All brands.....	12/16 oz. bot.....	\$4.00	\$0.41

15. Section 33a, Table 19a is amended by adding new items to read as follows:

Items & brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Anchovy Paste:			
Vita.....	24/2 1/4 oz. jar.....	\$5.15	\$0.23
Lobster:			
Bahama Rock.....	48/6 oz. tins.....	20.40	.55
Oysters:			
40 Fathom.....	48/7 1/4 oz. tin.....	18.90	.51
Shrimps, medium wet pack:			
Tropical.....	48/7 oz. tin.....	14.80	.40

16. Section 36, Table 23 is amended by adding new items to read as follows:

Items and brand names	Unit—case of	Price at wholesale	Price at retail (per unit)
Breakfast cereals:			
Corn meal, Premier.....	24/12 oz. pkgs.....	\$2.50	\$0.13
Cream of Rice, General Grocery Store Sales Co.....	12/18 oz. pkgs.....	2.80	.50
Flour:			
Gold Medal Kitchen Tested—bales.....	4 25# bags.....	0.45	2.00

17. Section 39, Table 27 is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Egg noodles (medium):			
Foulis.....	24/8 oz. pkg.	\$2.05	\$0.14
Macaroni (long):			
Foulis.....	24/15 pkg.	2.05	.16
Spaghetti:			
6 Minutes Prince.....	24/8 oz. pkg.	2.10	.11
Prince.....	20/16 oz. pkg.	2.00	.17
Tull.....	20/16 oz. pkg.	2.00	.17
Ziti.....	20/16 oz. pkg.	2.00	.17
Prepared spaghetti:			
Marie Chef.....	12/13 1/2 oz. pks.	2.70	.20
Spaghetti (long):			
Foulis.....	24/15 pkg.	2.05	.16

18. Section 40, Table 31 is amended by adding a new size to read as follows:

Item and brand name	Unit—case of	Price at wholesaler	Price at retail (per unit)
Powdered whole milk:			
Kraft.....	8 ounce packages.....	\$3.00 dozen.....	\$0.32

19. Section 42, Table 33c is amended by adding a new item to read as follows:

Item and brand name	Unit—case of:	Price at wholesale	Price at retail (per unit)
Vinegar:			
Marques de la Puella.....	12/16 oz. bl.	93.45	\$1.45

20. Section 42, Table 33d is amended by adding new items to read as follows:

Items and brand names	Unit—case of	Price at wholesale	Price at retail (per unit)
Table salt:			
Curry's.....	24/26 oz. pkg.	\$1.60	\$0.10
Diamond.....	6 lb. pkg.	1.80	.13
Premier.....	6 lb. 16 1/2 bags.....	2.60	.17

21. Section 42, Table 33f is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Chocolate chocolate:			
497 oz. pkg.		\$7.40	\$0.10
2440 lbs. bag.		3.00	\$0.16 pkg. of 16 bags.

22. Section 42, Table 33h is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Plain Manzanilla—Con. Oberti (cocktail style):	12 quart.	\$5.05	\$0.01
Ripe oil vcs (m.o. dum): Premier:	24/10 1/2 oz. net pks.	0.60	.00
Stuffed Manzanilla:			
Premier.....	24/10 1/2 oz. net.....	0.70	.61
Sunbeam.....	24/10 oz. net.....	6.20	.23
Sweet Life.....	24/10 oz. net.....	13.80	.74
Sweet Queen.....	12/12 1/2 oz. net.....	8.55	.91
Premier.....	24/10 1/2 oz. net.....	8.00	.43
Sweet Life.....	12/13 1/2 oz. net.....	8.00	.43
Olives and capers:			
Annapolis.....	48/31 1/2 oz. net.....	7.15	.10
Fair Weather.....	24/10 1/2 oz. net.....	9.00	.22
Dorba.....	48/31 1/2 oz. net.....	7.25	.29

23. Section 42, Table 33i is amended by adding a new size to the following item to read as follows:

Item and brand name	Unit—Case of:	Price at wholesale	Price at retail (per unit)
Kraft.....	12/16 gals. jar.....	\$5.70	\$0.49

24. Section 42, Table 33l is amended by adding a new item to read as follows:

Item and brand name	Unit—case of	Price at wholesale	Price at retail (per unit)
Prunes:			
Red Ribbon 60/40.....	ctns. of 57.....	\$1.70	\$0.03 lb.

25. Section 42, Table 33m is amended by adding new items to read as follows:

Items and brand names	Unit—case of:	Price at wholesale	Price at retail (per unit)
Cocktail entree: Premier:			
Cocktail entree: Premier:	24/3 oz. jar.....	\$10.50	\$0.57
Cocktail entree: Premier:	44 1/2 oz. jar.....	12.75	.53
Cocktail entree: Premier:	44 1/2 oz. jar.....	4.00	1.31
Cocktail entree: Premier:	44 1/2 oz. jar.....	2.05	1.70
Cocktail entree: Premier:	44 1/2 oz. jar.....	5.65	.24
Cocktail entree: Premier:	24/12 oz. jar.....	4.35	.23
Cocktail entree: Premier:	24/12 oz. jar.....	6.25	.31
Cocktail entree: Premier:	24/12 oz. jar.....	6.25	.31
Cocktail entree: Premier:	24/12 oz. jar.....	12.00	1.80
Cocktail entree: Premier:	24/12 oz. jar.....	4.40	.24

26. Section 45, Table 37 is amended by adding a new item to read as follows:

Item and brand name	Unit	Price at whole sale	Price at retail (per unit)
Italian style cured ham: Prosciutti		Per lb. \$0.43	Lb. \$0.63

27. Section 47, Table 59 is amended by adding new items to read as follows:

Items and brand names	Unit—case of	Price at wholesale	Price at retail (per unit)
Cleanser:			
Old Dutch	48/14 oz. pkg.	\$3.40	\$0.03
Rex (Lejla)	48/13 oz. pkg.	3.80	.10
Sunbrite	Ctn. 48/13 oz. pkg.	2.65	.07
Soap chips: Magic Washer	60/8 oz. pkg.	7.40	.16
Toilet soap:			
Lux	1000/7½ oz. cake	12.40	2 for .03
Lux	500/1 oz. cake	8.85	.02
Nola	1000/7½ oz. cake	12.60	.02 or 2/32
Nola	144/3¾ oz. cake	11.55	.10
Novla	100/3¾ oz. cake	8.20	.10
Protex	100/4 oz. cake	6.90	.03

28. Section 56, Table 46 is amended by adding new items to read as follows:

Items and brand names	Unit	Importer wholesaler	Price at retail (per unit)
Brandy—Marques de la Puebla:			
Brandy Special	12/1	\$43.00	\$5.00
Brandy 3 Botas	12/1	45.00	5.25
Older, foreign: Princesa de Asturias	24/2	16.20	.95
Cordials, foreign: Marques de la Puebla Anis Seco Puebla	12/1	44.50	5.00
Champagne (American): Weibel	12/26 oz. bot.	40.00	5.00
Champagne (foreign)—Codorniou: Sec & Extra Doux	12/1	55.00	6.75
Vermouth (American)—Italian Swiss Colony: Private stock	12 fifths	12.50	1.40
Whiskey (Scotch):			
Perfection	12½ qts	42.00	4.75
Spey Royal (8 yrs. old)	12½ qts	43.00	4.75
Wine, dessert (American)—Gilbey's:			
Invaluable Port	12½ qts	29.00	3.25
Invaluable Sherry	12½ qts	31.50	3.60
Italian Swiss Colony—Private Stock:			
Sherry	12/1	12.70	1.60
Muscadel	12/1	12.70	1.60
Schenley International Corp. Dubbonet	12/1	19.00	2.15
Sparkling Burgundy: Weibel	24/13 oz. bot.	41.50	2.40
Wine, dessert (foreign)—Marques de la Puebla:			
Jerez Quina—Puebla	12/1 pt. 9 oz.	26.75	3.00
Jerez Seco Palido	12/1 pt. 9 oz.	23.25	2.70
Ponche Puebla	12/1 pt. 9 oz.	41.50	4.75
P X Genoveva	12/1 pt. 9 oz.	27.25	3.10
Superior Oscuro Dulce	12/1 pt. 9 oz.	26.25	3.00
Wine, table (American)—Italian Swiss Colony: Port Private Stock	12 fifths	12.70	1.60
Wine, table (foreign)—Armentis and Madrazo:			
Clarete	24/2	14.75	.85
Rioja Blanco	24/2	14.75	.85

This amendment shall become effective December 7, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18327; Filed, Dec. 2, 1944; 12:00 m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 107]

##### GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

\*Copies may be obtained from the Office of Price Administration.

Maximum Price Regulation 373 is amended in the following respects:

Section 19 (j) (1) (i) is amended to read as follows:

(i) An amount equal to the lower of either:

(a) The amount the local wholesaler paid the mainland supplier less all discounts and allowances except the discount for cash or prompt payment and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation, or

(b) The mainland supplier's maximum price, excluding any wholesale markup, permitted under the following mainland maximum price regulations, whichever governs the sale of the commodity in question: Maximum Price Regulation 148 (Dressed Hogs and

Wholesale Pork Cuts), Maximum Price Regulation 169 (Beef and Veal Carcasses and Wholesale Cuts), Maximum Price Regulation 239 (Lamb and Mutton Carcasses and Wholesale Cuts), Maximum Price Regulation 269 (Poultry), Maximum Price Regulation 289 (Dairy Products), Maximum Price Regulation 333 (Eggs and Egg Products), Maximum Price Regulation 389 (Certain Sausage Items at Wholesale), Maximum Price Regulation 398 (Variety Meats and Edible Byproducts at Wholesale.)

However, if the mainland supplier processes or otherwise prepares the commodity for shipment and bills the wholesaler for this service as a separate item on the invoice, the wholesaler may add the amount of any such charge actually incurred.

This amendment shall become effective as of November 15, 1944.

Issued this 4th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18377; Filed, Dec. 4, 1944; 11:29 a. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 108]

##### POWER LAUNDRIES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 44 (b) (2) is amended to read as follows:

(2) "Power laundries" means all establishments on the island of Oahu offering laundry services for sale with the exception of those laundries which have less than eight employees.

This amendment shall become effective as of November 20, 1944.

Issued this 4th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18378; Filed, Dec. 4, 1944; 11:29 a. m.]

#### PART 1435—NONFERROUS MILL AND MACHINE PRODUCTS [MPR 377, Amdt. 4]

##### DIE CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 377 is amended in the following respects:

1. Section 15 is amended by the redesignation of paragraph (c) as paragraph (d) and by the addition of a new paragraph (c) to read as follows:

(c) If the seller regularly sells and delivers at a price less than his maximum

\* 8 F.R. 5746, 13982; 9 F.R. 730, 12260.



price as determined under section 9, he may be granted permission to use as his maximum price the price which would have been his maximum price under section 9. Permission to use this calculated price in lieu of the price at which the seller first sold or delivered will be granted by order, and a request for the issuance of such an order should be addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C.

This amendment shall become effective December 7, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18322; Filed, Dec. 2, 1944;  
11:56 a. m.]

PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A COM-  
PONENT

[RO 1A,<sup>1</sup> Amdt. 91]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (13) is amended to read as follows:

(13) "Grade III," as applied to tires, means:

(i) A used passenger-type tire; or  
(ii) A new passenger-type tire which the manufacturer, before transferring it to a dealer or consumer, has found to need a reliner, a sectional repair, or a complete or partial new tread in order to be made serviceable, and upon which he has placed a special identifying mark or from which he has removed the brand name; or

(iii) A new passenger-type tire held for sale by a dealer which a District Director has authorized to be reclassified as a Grade III tire after a finding by an OPA Tire Examiner that the tire has been so damaged that it cannot reasonably be sold on certificate. The District Director's authorization shall be sent to the dealer who requested the reclassification. It shall describe each tire being reclassified as Grade III by size and serial number.

2. Section 1315.501 (d) is added to read as follows:

(d) *Transfer of unrationed tires.* That any unrationed tire be transferred on or after December 5, 1944, (other than one transferred as part of a vehicle or piece of equipment) was unsuitable for use on

the vehicle or piece of equipment for which application is made, or that other circumstances justified its transfer.

3. Section 1315.503 (b) (1) is amended by substituting the phrase "Grade I tire," for the phrase "Grade I or Grade III tire (at applicant's option)" and by deleting the comma following the phrase "tractor-implement tire."

4. Sections 1315.503 (b) (2) and 1315.503 (c) are revoked.

5. Section 1315.516 is amended to read as follows:

§ 1315.516 *Eligibility of 1942 passenger automobiles held for sale.* An automobile dealer, including the Reconstruction Finance Corporation, may apply for a certificate for a Grade I tire to be mounted on a 1942 passenger automobile which is "held for sale" under Section 2.8 of Ration Order 2B, if the passenger automobile does not have four tires mounted on such automobile, or if the tire applied for is to replace on such passenger automobile, a tire which cannot be repaired or recapped.

6. Section 1315.611 (c) is amended to read as follows:

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the person to whom the certificate has been surrendered may deliver to the certificate holder or his agent the number of tires described thereon, except that the following variances are permitted:

(1) A new industrial-type tire or a Grade I tire of any size suitable for use on the vehicle or equipment for which the certificate was issued may be delivered in exchange for a Grade I tire certificate.

(2) A new industrial-type tire may be delivered in exchange for a small tractor-implement tire certificate.

(3) A new 4.00-12 tractor-implement tire may be delivered in exchange for a certificate for a Grade I tire size 4.25-12 or 4.50-12.

7. Section 1315.801 (b) is revoked.

8. The replenishment table in § 1315.804 (c) is amended to read as follows:

<i>If replenishment portion calls for—</i>	<i>Dealer or manufacturer may replenish with—</i>
A Grade I tire.....	A Grade I tire.
A truck tire with a cross-section size 7.50 or smaller.	A new truck tire with a cross-section size 7.50 or smaller, or a new small tractor-implement tire.
A truck tire with a cross-section size 8.25 or larger.	A new truck tire with a cross-section size 8.25 or larger.
A tractor-implement tire.....	A new tractor-implement tire.
A truck tire (no designated size—on OPA Form R-12 only).	A new truck tire with a cross-section size 7.50 or smaller, or a new small tractor-implement tire.

9. Sections 1315.803 (a) and (b) are amended to read as follows:

(a) *By dealers.* (1) A dealer may, in exchange for a certificate, transfer tires to a consumer: *Provided, however,* That a dealer may not transfer a truck tire with a cross-section size 8.25 or larger in exchange for a certificate dated prior to July 16, 1944.

(2) A dealer may, upon receipt of the replenishment portion of a certificate or receipt, deliver tires directly to a consumer or dealer for the account of any dealer or manufacturer who might himself lawfully make such delivery.

(b) *By manufacturers.* (1) A manufacturer may, in exchange for a certificate, transfer tires to a consumer who acquired tires from a manufacturer between December 31, 1940 and August 6, 1943: *Provided, however,* That a manufacturer may not transfer a truck tire with a cross-section size 8.25 or larger in exchange for a certificate dated prior to July 16, 1944.

(2) A manufacturer may, upon receipt of the replenishment portion of a certificate or receipt, deliver tires directly to a consumer or dealer for the account of any dealer or manufacturer who might himself lawfully make such delivery.

10. Section 1315.806 (c) (2) is amended by substituting "Grade I" for "Grade III" in the second sentence.

11. Sections 1315.806 (p) (1) (iii) and (v) are added to read as follows:

(iii) Grade III tires;  
(v) Used industrial-type tires.

12. Section 1315.807 (e) is amended to read as follows:

(e) *Lost, stolen or destroyed stock and replenishment portions.* The District Director for the area in which the dealer is located may, upon the dealer's application, issue replenishment portions of certificates to replace:

(1) Tires, replenishment portions or certificates which have been lost, stolen, destroyed, or irreparably damaged;

(2) New passenger-type tires which were reclassified as Grade III tires while in his possession.

This amendment shall become effective December 5, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WFB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 10, 7 F.R. 9121)

NOTE: All reporting and record-keeping requirements of this amendment have been

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 9160, 9392, 9724.

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18374; Filed, Dec. 4, 1944;  
11:28 a. m.]

**PART 1364—FRESH, CURED AND CANNED  
MEAT AND FISH PRODUCTS**

[MPR 184,<sup>1</sup> Amdt. 5]

**SALES BY CANNERS OF MAINE SARDINES**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 184 is amended in the following respects:

1. Section 1364.112 (a) is amended to read as follows:

(a) The prices set forth below are maximum prices per case for Maine sardines, f. o. b. the railroad shipping point nearest the cannery. The maximum prices are gross prices before the deduction of any discounts.

DESCRIPTION		
Container size and type	Style of pack	Maximum price per case
Keyless 1/4's standard pack.	Cottonseed oil, soybean oil, mustard.	\$4.43
Keyless 1/4's standard pack.	Tomato sauce.....	4.48
1/4's decorated tops (tops scored for convenience in opening) with keys, standard pack. <sup>1</sup>	Cottonseed oil, soybean oil, mustard.	5.18
1/4's decorated tops (tops scored for convenience in opening) with keys, standard pack. <sup>1</sup>	Tomato sauce.....	5.23
1/4's wrapped or in cartons (tops scored for convenience in opening) with keys, standard pack. <sup>1</sup>	Cottonseed oil, soybean oil, mustard.	5.43
1/4's wrapped or in cartons (tops scored for convenience in opening) with keys, standard pack. <sup>1</sup>	Tomato sauce.....	5.48
Keyless 1/4's, standard pack.	Mustard.....	4.43
Keyless 1/4's, standard pack.	Tomato.....	4.48

<sup>1</sup>Without keys deduct 12 1/2 cents from the listed price.

2. A new § 1364.113 is added to read as follows:

§ 1364.113 *Notification to wholesalers and retailers.* With the first delivery after December 8, 1944, of any item of canned Maine sardines packed in 1/4 size containers with decorated tops, tops scored for convenience in opening, without keys and with the first delivery after December 8, 1944, of any item of canned Maine sardines packed in 1/4 size containers, wrapped or in cartons, tops scored for convenience in opening, without keys, in any case where a maximum price is determined pursuant to this regulation, the canner determining his maximum prices shall:

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 5715, 8948, 8958; 8 F.R. 14009.

(a) Supply each wholesaler and retailer who purchases from him with a written notice reading as follows:

**NOTICE TO WHOLESALERS & RETAILERS**

Our OPA ceiling price for (describe item) has been changed under the provisions of Maximum Price Regulation No. 184. We are authorized to inform you that if you are a wholesaler or a retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, and if we are your customary type of supplier you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations. (See section 6 in each case.) You must refigure your ceiling price on the first delivery of such item to you on and after December 8, 1944.

For a period of 90 days after December 9, 1944, and with the first shipment after the 90 day period to each person who has not made a purchase within that time the canner shall include in each case or carton containing the item the written notice set forth before or securely attach it to the outside thereof.

(b) Supply each purchaser of the item who is a distributor other than a wholesaler and retailer with a written notice of the establishment of the new maximum prices. The notice which shall be attached to or stated on the invoice covering the first delivery to such purchaser after December 8, 1944, shall read as follows:

**NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS**

Our OPA ceiling price for (describe item) has been changed, under the provisions of Maximum Price Regulation No. 184. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after December 8, 1944, of any change in your maximum price. This notice must be made in the manner prescribed in Section 10 of Maximum Price Regulation No. 542, substituting the date December 9, 1944, for the date July 17, 1944.

This amendment shall become effective December 9, 1944.

Issued this 4th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18376; Filed, Dec. 4, 1944;  
11:28 a. m.]

**Chapter XVIII—Office of Economic  
Stabilization**

**PART 4002—REGULATIONS ON GRADING AND  
GRADE LABELING**

[Regulation 1,<sup>1</sup> Amdt. 1]

**GRADING AND GRADE LABELING OF MEATS**

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Office of Economic Stabilization Regulation No. 1 is amended in the following respects:

1. The last sentence of the first paragraph of § 4002.2 (c) (1) is amended to read as follows:

<sup>1</sup> 8 F.R. 10988.

The purchaser of a calf or veal carcass with the skin on, shall not sell, offer to sell, ship or break such carcass after removal of the skin, unless stamps have been placed thereon in accordance with the provisions of subdivision (3) (1) of this § 4002.2 (c), marking the appropriate grade letter as hereinafter designated in such a manner as to identify by such letter the uniform grade of each veal wholesale cut which may be derived from such carcass.

2. The last sentence of § 4002.2 (c) (3) (1) is amended to read as follows:

During such period such beef and veal carcasses shall be graded by such person in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this section, and shall be marked by such person in such a manner that the grade designation shall appear not more than two inches apart along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord. The grade marks shall also appear at two inch intervals along the belly on each side of the carcass, across the shoulder and along the foreshank.

3. The last sentence of § 4002.3 (b) is amended to read as follows:

During such period, such lamb or mutton carcasses shall be graded by such person in accordance with the requirements of paragraph (a) of this section and shall be marked by such person in such a manner that the grade designation shall appear not more than two inches apart along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord. The grade marks shall also appear at two-inch intervals along the belly on each side of the carcass, across the shoulder and along the foreshank.

This amendment shall become effective December 1, 1944.

Issued this 1st day of December 1944.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 44-18287; Filed, Dec. 1, 1944;  
1:17 p. m.]

**TITLE 49—TRANSPORTATION AND  
RAILROADS**

**Chapter I—Interstate Commerce  
Commission**

[S. O. 68, Amdt. 6]

**PART 95—CAR SERVICE**

**FREIGHT CHARGES**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of November, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 68, as amended (codified as § 95.15) and good cause appearing therefor:

*It is ordered, That:*

Service Order No. 68, as amended (3 F.R. 8513; 14224, 16265; 9 F.R. 7206), is hereby further amended to provide that when the excess freight from an overloaded car is transferred to another car the following shall govern:

**Freight charges.** All common carriers by railroad subject to the Interstate Commerce Act shall:

(1) On the original car assess and collect freight charges based upon the actual weight of freight left in that car after the excess has been removed, but not less than the tariff minimum weight for such car;

(2) On the car loaded with the excess freight assess and collect freight charges based on the actual weight of such excess freight subject to the following minima:

(i) When the tariff minimum weight depends on the length of the car, 50 percent of the minimum weight applicable to a car 40 feet 6 inches in length; or

(ii) When the tariff minimum weight depends on capacity of the car, 50 percent of 80,000 pounds; or

(iii) When the tariff minimum weight does not depend on the length or capacity of a car, 50 percent of the minimum weight applicable to the shipment as originally billed.

**Application.** The provisions of this amendment shall apply to intrastate as well as interstate traffic.

**Tariff provisions suspended.** The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

**Announcement of suspension.** Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, announcing the suspension required in the next preceding paragraph hereof. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered, That* this order shall become effective at 12:01 a. m., December 15, 1944, and shall remain in force until further order of the Commission; that a copy of this order and direction shall be served upon each State railroad regulatory commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-18379; Filed, Dec. 4, 1944; 11:37 a. m.]

No. 243—6

## Chapter II—Office of Defense

## Transportation

[Gen. Order ODT L-3]

## PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

## MOTOR TRANSPORTATION OF POULTRY FROM OR WITHIN DESIGNATED AREAS

**General outline.** This order relates to the transportation by commercial motor vehicle of live poultry from or within certain designated areas in the States of Delaware, Maryland, Virginia, and West Virginia by common, contract, and private carriers by motor vehicle. Such transportation is prohibited unless there is outstanding a letter of authority issued by the War Food Administration pursuant to War Food Order No. 119 authorizing the transporter, or the person for whom the poultry is being transported, or the person to whom it is to be delivered, to purchase, receive, or accept delivery of such poultry, and unless a copy of such letter of authority is carried in the transporting motor vehicle. Issuance of letters of authority will be by a representative of the Director of Distribution, War Food Administration. Application for such authorization should be filed with the War Food Administration representative for the poultry area in which the poultry to be transported is located. The restriction of this order does not apply to the transportation within the designated areas of poultry produced and transported by the producer, or to any transportation of poultry in respect of which no letter of authority is required by the provisions of War Food Order No. 119, or by reason of any exemption made or relief granted thereunder. Any inquiry regarding the requirements or effect of War Food Order No. 119 should be addressed to the Order Administrator, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

Any letter of authority issued by the War Food Administration shall not be construed as permitting any common, contract, or private carrier, to violate any order or written direction of the Office of Defense Transportation.

This general outline shall not be construed to alter the meaning of any provision contained in the order. The text of General Order ODT L-3 follows:

Pursuant to Title III of the Second War Powers Act, 1942, Executive Orders 8989, as amended, and 9156, War Production Board Directive 21, and an authorization and request contained in a certificate of the War Food Administration dated December 1, 1944, it is hereby ordered, that:

Sec.

504.20 Definitions.

504.21 Restriction upon transportation by commercial motor vehicle of poultry from or within designated areas.

504.22 Submittal of records and property for examination and inspection by authorized representative.

504.23 Communications.

**Authority:** §§ 504.20 through 504.23, inclusive, issued under Title III of the Second War Powers Act, 1942, 55 Stat. 177, 59 U. S. Code § 603; E.O. 8363, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3343; WPB Directive 21, 8 F.R. 5334; Certificate of WPA, December 1, 1944.

§ 504.20 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Poultry" means live chickens, other than baby chicks not over 3 weeks old, grown or located in the designated areas, without regard to the age, weight, or sex of the chickens.

(c) "Commercial motor vehicle" means (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) any combination thereof, or (5) any other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and built or rebuilt primarily for the purpose of transporting property.

(d) "Common carrier" means any person that holds itself out to the general public to engage in transportation of property by motor vehicle for compensation.

(e) "Contract carrier" means any person that, under individual contracts or agreements, engages in the transportation of property by motor vehicle for compensation.

(f) "Private carrier" means any person not included in the term "common carrier" or "contract carrier" that transports by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

(g) "Authorized processor" means any person who holds a letter of authority issued to him by the War Food Administration to receive and process poultry to be set aside pursuant to the provisions of War Food Order No. 119.

(h) "Authorized poultry buyer" means any person, other than an authorized processor, who holds an authorization issued to him by the War Food Administration to purchase, contract to purchase

and accept delivery of poultry for resale and delivery to an authorized processor.

(1) "Local poultry buyer" means a person who purchases poultry from producers and who offers it for resale to an authorized poultry buyer or an authorized processor without transporting the poultry from the point at which the poultry was purchased.

§ 504.21 *Restriction upon transportation by commercial motor vehicle of poultry from or within designated areas.*

(a) No person shall transport poultry by commercial motor vehicle, as a common carrier, contract carrier, or private carrier, from or within the following designated areas, to wit:

*Area No. 1:* The State of Delaware and the Counties of Cecil, Kent, Queen Annes, Caroline, Dorchester, Wicomico, Talbot, Worcester, and Somerset in the State of Maryland, and the Counties of Accomac and Northampton in the State of Virginia;

*Area No. 2:* The Counties of Augusta, Rockingham, Page, Shenandoah, and Frederick in the State of Virginia, and the Counties of Hardy, Pendleton, Grant, and Hampshire in the State of West Virginia;

unless there is outstanding a letter of authority issued by the War Food Administration or its designated representative authorizing such person, or the person for whom the poultry is being transported, or the person to whom the poultry is to be delivered, to purchase, receive, or accept delivery of such poultry, pursuant to the provisions of War Food Order No. 119 issued by the War Food Administration, or of any supplement thereto or amendment or reissue thereof, and unless a copy of such letter of authority is carried in the transporting motor vehicle: *Provided*, That the restrictions of this section shall not apply to the transportation within the designated areas of poultry produced and transported by the producer, or to any transportation of poultry in respect of which no letter of authority is required by the provisions of War Food Order No. 119 or by reason of any exemption made or relief granted under that order.

(b) Nothing contained in this order, or in any letter of authority issued by the War Food Administration, shall be construed as permitting or requiring any common carrier, contract carrier, or private carrier, to perform any transportation service which is in violation of any order or written direction which has been or may hereafter be issued by the Office of Defense Transportation, and

which is in effect at the time of such transportation.

§ 504.22 *Submission of records and property for examination and inspection by authorized representative.* Any person transporting poultry from or within the area designated in § 504.21 of this order by commercial motor vehicle, as a common carrier, contract carrier, or private carrier, shall submit his books, records, and other writings, including a copy of any authorization issued pursuant to War Food Order No. 119 pertaining to such transportation, and premises and property used in connection therewith, to any accredited representative of the Office of Defense Transportation or the War Food Administration upon demand and the display of proper credentials, for such examination and inspection as may be necessary or appropriate to the enforcement or administration of this order.

§ 504.23 *Communications.* Communications concerning this order should refer to General Order ODT L-3 and, unless otherwise directed, should be addressed to the Director, Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This General Order ODT L-3 shall become effective December 11, 1944.

Issued at Washington, D. C., this 1st day of December 1944.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

[F. R. Doc. 44-18310; Filed, Dec. 2, 1944; 11:40 a. m.]

[Gen. Permit ODT 35-4]

#### PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

##### LOCAL PASSENGER TRANSPORTATION EQUIPMENT

In accordance with § 501.308 of General Order ODT 35, it is hereby authorized that:

§ 521.5203 *Certain operations by the Department of the Navy and the Department of War.* Notwithstanding provisions of § 501.303 of General Order ODT 35, the Department of the Navy and the Department of War when necessary to provide transportation to and from Naval Hospitals, Naval Convalescent Hospitals,

Naval Rest Centers, Army General Hospitals, Army Convalescent Hospitals, Army Ground and Service Forces Redistribution Stations, and Army Air Forces Redistribution Centers in connection with officially sponsored recreational and rehabilitation programs, may use and operate Government owned local passenger transportation equipment for the transportation of:

(a) Military and Naval personnel undergoing medical treatment, rehabilitation, indoctrination, and orientation;

(b) Wives of Military and Naval personnel described in paragraph (a) when accompanied by their husbands;

(c) Civilian attendants (including volunteer workers) accompanying the Naval and Military personnel described in paragraph (a); and

(d) Civilian entertainers when they cannot readily be transported by existing facilities and established scheduled services of common carriers operating over regular routes between fixed termini.

This General Permit ODT 35-4 shall become effective December 4, 1944.

(E.O. 8989, as amended, 9156, 9294; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349, 8 F.R. 221; General Order ODT 35, 8 F.R. 3451)

Issued at Washington, D. C., this 4th day of December 1944.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

[F. R. Doc. 44-18311; Filed, Dec. 2, 1944; 11:40 a. m.]

#### Notices

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 258]

##### UNLOADING OF COAL AT PATCHOGUE, LONG ISLAND, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of November, A. D. 1944.

It appearing, that car PWV 3532 containing coal at Patchogue, L. I., on The Long Island Railroad Company consigned to Leon Bituminous Coal Sales, has been on hand for an unreasonable length of time and that the delay in un-

loading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action.

It is ordered, that:

**Coal at Patchogue, Long Island, N. Y., be unloaded.** (a) The Long Island Railroad Company, its agent or employees, shall unload forthwith car PWV 3532 containing coal on hand at Patchogue, L. I., shipped by Castle Shannon Coal Corporation, Clairton, Pennsylvania.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload of coal has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17) 15 (2) )

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Long Island Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-18380; Filed, Dec. 4, 1944;  
11:37 a. m.]

[S. O. 70-A, Special Permit 709]

RECONSIGNMENT OF GRAPEFRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, November 28, 1944, by Wolf & Cohen, of cars ART 23297 and ART 19874, grapefruit, now on the Pennsylvania Railroad Produce Terminal, to Wolf & Cohen, Pier 29 New York, New York (P. R. R.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18381; Filed, Dec. 4, 1944;  
11:37 a. m.]

[S. O. 70-A, Special Permit 710]

RECONSIGNMENT OF PEARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, November 29, 1944, by Peter Refakis, of car FGE 34473, pears, now on the Chicago and North Western Railroad, to Diconardo Company, Pittsburgh, Pennsylvania (P.R.R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18382; Filed, Dec. 4, 1944;  
11:37 a. m.]

[S. O. 70-A, Special Permit 711]

RECONSIGNMENT OF APPLES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies

to the reconsignment at Omaha, Nebraska, November 29, 1944, by Sterling H. Nelson Company, of car MDT 5313, apples, now on the Union Pacific Railroad, to Alfred Gebb Company, Minneapolis, Minnesota, with stop-off to partly unload by Davenport Brokerage Company, Davenport, Iowa (Burlington). The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18383; Filed, Dec. 4, 1944;  
11:37 a. m.]

[S. O. 70-A, Special Permit 712]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, November 30, 1944, by Sterling Huxtable Company, of car FGE 35363, potatoes, now on the Wood Street Terminal, to Red Dot Food Company, Madison, Wisconsin (C. & N. W.). The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of November 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18384; Filed, Dec. 4, 1944;  
11:37 a. m.]



## OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 163]

KARR RANGE CO.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 and section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) Karr Range Company, Belleville, Illinois, may sell and deliver the following models of stoves which it manufactures to Qualified Range Company, Belleville, Illinois, at prices no higher than those set forth below opposite each model:

Article and model:	Maximum price to qualified range company
Coal or wood heater, 622-----	\$69.73
Coal or wood range with high shelf equipped with two utility drawers, 20-20-----	73.67
Coal or wood range with conventional high shelf without utility drawers, 20-20-----	69.37
Coal or wood range with low back-guard, 20-20-----	65.54

These maximum prices are subject to the manufacturer's customary terms, discounts and allowances in effect during the period January 15, to June 1, 1941.

(b) Qualified Range Company, Belleville, Illinois, may sell and deliver the following stoves manufactured by Karr Range Company, to ultimate consumers at prices no higher than those set forth below opposite each model:

Article and model:	Maximum cash price to ultimate consumers
Coal or wood heater, 622-----	\$147.00
Coal or wood range with high shelf equipped with two utility drawers, 20-20-----	149.00
Coal or wood range with conventional high shelf without utility drawers, 20-20-----	144.70
Coal or wood range with low back-guard, 20-20-----	139.85

These prices are subject to the seller's customary terms, discounts, allowances and other price differentials in effect during March 1942.

(c) At the time of or prior to the first invoice covering a sale of any of the stoves listed in this order to Qualified Range Company, Karr Range Company shall notify the purchaser of the maximum prices established by this order for resales by the purchaser.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of December 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18302; Filed, Dec. 1, 1944;  
4:50 p. m.]

[Order 18 Under 3 (e)]

NATIONAL PAPER PRODUCTS CO.

## ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, *It is ordered:*

(a) The maximum prices for sales of "Nata-Pak" produced by National Paper Products Company, New York City, New York shall be:

Nata-Pak	One pkg. of 48 refills	One case 24 pkgs.	2 to 4 cases (per case)	5 to 25 cases (per case)	25 to 50 cases (per case)	100 and over cases (per case)
Wholesaler's maximum delivered price-----		\$15	\$14.70	\$14.25	\$14	\$13.75
Retailer's maximum price-----	\$1					

(b) All prices shall be subject to the discounts, allowances and trade practices of the seller in effect during March, 1942.

(c) No extra charge shall be made for containers or for any change in the type of containers.

(d) After the effective date of this order the National Paper Products Company and every subsequent seller at wholesale shall, with each first shipment of Nata-Pak, furnish to their respective customers a copy of the table of prices set forth in paragraph (a) above, as well as a statement setting forth the terms of sales.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18301; Filed, Dec. 1, 1944;  
4:52 p. m.]

[MPR 188, Order 3020]

## QUINCY MILLWORK SHOP

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of four unfinished chests manufactured by the Quincy Millwork Shop, Quincy, Florida.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Unfinished chest-----	402	Each \$7.77	Each \$9.15
Unfinished chest-----	102	8.24	9.70
Unfinished chest-----	203	8.62	10.15
Unfinished chest-----	503	9.18	10.80

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 8, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Unfinished chest, 402-----	\$9.15
Unfinished chest, 102-----	9.70
Unfinished chest, 203-----	10.15
Unfinished chest, 503-----	10.80

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 8, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of December 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18303; Filed, Dec. 1, 1944;  
4:51 p. m.]

[MPR 188, Order 3021]

#### UNITED CABINET CO.

##### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of two utility cabinets manufactured by United Cabinet Company, Jasper, Indiana.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Utility cabinet.....	618	Each \$8.03	Each \$7.59
Utility cabinet.....	624	Each 7.92	Each 8.60

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturers' application dated May 2, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manu-

facturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Utility cabinet, 618.....	67.09
Utility cabinet, 624.....	9.89

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated May 2, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 2d day of December 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18304; Filed, Dec. 1, 1944;  
4:53 p. m.]

[MPR 260, Order 54]

#### ALFRED DUNHILL OF LONDON INC.

##### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Alfred Dunhill of London Inc., 620 Fifth Avenue, New York 20, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Pack size	Maximum list price	Maximum retail price
Cabanos	43	10	.....	6.52
Dunhill Silk. Sup.	44	10	.....	6.53
	45	10	.....	6.54
	46	10	.....	6.55
	47	10	.....	6.56
	48	10	.....	6.57
	49	10	.....	6.58
	50	10	.....	6.59
	51	10	.....	6.60

(b) The importer and wholesalers shall grant, with respect to their sales of

each brand and frontmark of importer cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16263; Filed, Dec. 1, 1944;  
4:46 p. m.]

[MPR 120, Order 1173]

#### O. V. FORNEY & SONS, ET AL.

##### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (A) (6) of Maximum Price Regulation No. 120 *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

O. V. FORTNEY & SONS, 21 MARION ST., MORGANTOWN, W. VA., WILLIAMS MINE, PITTSBURGH SEAM, MINE INDEX NO. 233, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT, MORGANTOWN, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipments and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

<sup>1</sup> Previously established.

FREEMONT GAS COAL CO., TERMINAL TOWER, CLEVELAND 13, OHIO, HILLTOP NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2390, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: ROBEY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipments and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

MOUNTAINEER ENGINEERING CO., INC., 509 JACOBS BUILDING, FAIRMONT, W. VA., NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2037, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT: MAIDSVILLE, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipments and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

PERMAROC CORPORATION, 1441 PELHAM PARKWAY, NEW YORK, 67, N. Y., RECOVERY MINE, PITTSBURGH SEAM, MINE INDEX NO. 2091, BARBOUR COUNTY, W. VA., RAIL SHIPPING POINT: BROWNSON, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipments and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

REX FUEL CO., VOLGA, W. VA., DAYTON MINE, REDSTONE SEAM, MINE INDEX NO. 2057, BARBOUR COUNTY, W. VA., RAIL SHIPPING POINT: BIG RUN, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	H	F	F
Rail shipments and railroad fuel.....	275	275	250	250	240
Truck shipment.....	310	310	285	275	265

SEAGLE COAL CO., INC., LOST CREEK, W. VA., SEAGLE NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2094, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: MCWHORTER, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipments and railroad fuel.....	275	275	260	230	210
Truck shipment.....	310	310	285	275	265

SEAGLE COAL CO., INC., LOST CREEK, W. VA., SEAGLE NO. 2 MINE, REDSTONE SEAM, MINE INDEX NO. 2095, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: MCWHORTER, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	H	F	F
Price classification.....	F	F	H	F	F
Rail shipments and railroad fuel.....	275	275	250	250	240
Truck shipment.....	310	310	285	275	265

JESSE WILSON, ROUTE #1, BOX 28, BUCKHANNON, W. VA., WILSON MINE, REDSTONE SEAM, MINE INDEX NO. 2092, UPCHUR COUNTY, W. VA., RAIL SHIPPING POINT: BUCKHANNON, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	F	F	H	F	F
Price classification.....	F	F	H	F	F
Rail shipments and railroad fuel.....	275	275	250	250	240
Truck shipment.....	310	310	285	275	265

Size group Nos.....	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Rail shipments (including railroad fuel—all uses).....	\$4.59	\$4.50	\$4.50	\$4.50	\$3.95	\$3.60	\$3.30	\$3.25	\$3.25	\$3.25	\$2.65	\$2.45	\$3.30	\$3.65	\$2.85
Truck shipments.....	5.09	4.60	4.45	4.25	4.30	3.70	3.45	3.05	2.95	2.75	2.65	2.40	3.60	3.30	3.05

(c) The prices established herein are f. o. b. the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad fuel.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(g) The applicant shall include a statement on all invoices in connection with the sale of coals priced under this order that the price charged includes an adjustment granted by Order No. 1174 under Maximum Price Regulation No. 120 of the Office of Price Administration.

This order shall become effective December 2, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18296; Filed, Dec. 1, 1944; 4:53 p. m.]

This order shall become effective December 2, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18295; Filed, Dec. 1, 1944; 4:48 p. m.]

[MPR 120, Order 1174]

N. B. KNIGHT

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with §§ 1340.210 (a) (6) and 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Crescent Mine of N. B. Knight, Moab, Utah, located in Grand County, Utah, and operating in the No. 3 Seam in Subdistrict No. 1 of District No. 20 is hereby assigned Mine Index No. 1004 and its coals are classified in Subdistrict Price Group No. 1.

(b) Coal produced by N. B. Knight, Moab, Utah, from his Crescent Mine, Mine Index No. 1004 in District No. 20, may be purchased and sold at per net ton prices not exceeding the following:

[MPR 120, Order 1175]

H. E. FOX, ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and

Price this life then		G	F	E	D	C	B	A
.....	.....	310	300	295	285	270	250	230
.....	.....	315	315	310	300	280	260	240
.....	.....	320	320	315	305	285	265	245
.....	.....	325	325	320	310	290	270	250
.....	.....	330	330	325	315	295	275	255
.....	.....	335	335	330	320	300	280	260
.....	.....	340	340	335	325	305	285	265
.....	.....	345	345	340	330	310	290	270
.....	.....	350	350	345	335	315	295	275
.....	.....	355	355	350	340	320	300	280
.....	.....	360	360	355	345	325	305	285
.....	.....	365	365	360	350	330	310	290
.....	.....	370	370	365	355	335	315	295
.....	.....	375	375	370	360	340	320	300
.....	.....	380	380	375	365	345	325	305
.....	.....	385	385	380	370	350	330	310
.....	.....	390	390	385	375	355	335	315
.....	.....	395	395	390	380	360	340	320
.....	.....	400	400	395	385	365	345	325
.....	.....	405	405	400	390	370	350	330
.....	.....	410	410	405	395	375	355	335
.....	.....	415	415	410	400	380	360	340
.....	.....	420	420	415	405	385	365	345
.....	.....	425	425	420	410	390	370	350
.....	.....	430	430	425	415	395	375	355
.....	.....	435	435	430	420	400	380	360
.....	.....	440	440	435	425	405	385	365
.....	.....	445	445	440	430	410	390	370
.....	.....	450	450	445	435	415	395	375
.....	.....	455	455	450	440	420	400	380
.....	.....	460	460	455	445	425	405	385
.....	.....	465	465	460	450	430	410	390
.....	.....	470	470	465	455	435	415	395
.....	.....	475	475	470	460	440	420	400
.....	.....	480	480	475	465	445	425	405
.....	.....	485	485	480	470	450	430	410
.....	.....	490	490	485	475	455	435	415
.....	.....	495	495	490	480	460	440	420
.....	.....	500	500	495	485	465	445	425
.....	.....	505	505	500	490	470	450	430
.....	.....	510	510	505	495	475	455	435
.....	.....	515	515	510	500	480	460	440
.....	.....	520	520	515	505	485	465	445
.....	.....	525	525	520	510	490	470	450
.....	.....	530	530	525	515	495	475	455
.....	.....	535	535	530	520	500	480	460
.....	.....	540	540	535	525	505	485	465
.....	.....	545	545	540	530	510	490	

(a) Charles Beck Tobacco Company, 123 North Church Street, Belleville, Illinois, (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell, or deliver any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of each in cans	Maxbaum net price per dozen	Maxbaum net price per gallon
Maxbaum Plain Clear Clippings	Plain	16	\$1.73	38
Maxbaum Plain Clear Clippings	Plain	8	3.40	50
Maxbaum Plain Clear Clippings	Plain	8	4.63	48
Maxbaum Plain Clear Clippings	Plain	16	9.57	50
Maxbaum Best Granulated Clear Clippings	Plain	8	4.14	41
Maxbaum Best Granulated Clear Clippings	Plain	16	8.50	67
Maxbaum Sweetened Clear Clippings	Sweet	6	2.80	75
Maxbaum Sweetened Clear Clippings	Sweet	16	7.25	74

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18292; Filed, Dec. 1, 1944;  
4:52 p. m.]

[Rev. SR 14, Order 18]

M. MARSH & SON, INC.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (2) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, it is ordered, That:

(a) M. Marsh & Son, Incorporated, Wheeling, West Virginia, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
Jenkinson	Plain	Ounces 1 1/4	\$1.02	Cents 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such items to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18293; Filed, Dec. 1, 1944;  
4:46 p. m.]

prices are established by this order, the customary price differentials below the manufacturer's stated retail prices allowed by him during March 1942 with respect to such brands and varieties of scrap chewing tobacco.

(d) The manufacturer and every other seller (except a retailer) of the items of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 (except paragraph (a) (2)) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18291; Filed, Dec. 1, 1944;  
4:46 p. m.]

[Rev. SR 14, Order 17]

A. J. PAETZOLD & SON

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (1) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, it is ordered, That:

(a) A. J. Paetzold & Son, 46 Hotchkiss Street, Binghamton, N. Y., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list prices and maximum retail prices set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
Druggist, Tucks	Plain	Ounces 1 1/4	\$0.93	Cents 10
O. K., Tucks	Plain	1 1/4	.86	10
Elmira, Tucks	Plain	1 1/4	.86	10
Steco, Tucks	Plain	1 1/4	.86	10
Hardford, Tucks	Plain	1 1/4	.86	10
Druggist, Tucks	Plain	2 3/4	1.44	15
O. K., Tucks	Plain	2 3/4	1.44	15
Elmira, Tucks	Plain	2 3/4	1.44	15
Steco, Tucks	Plain	2 3/4	1.44	15
Hardford, Tucks	Plain	2 3/4	1.44	15
Brightwood, Tucks	Plain	1 1/4	.95	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

March 1942 on their sales of such items to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of the items of scrap chewing tobacco for which maximum

(b) The manufacturer and wholesalers shall grant, with respect to their sales of the items of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during



[Rev. SR 14, Order 20]

MCBRIDE CLIPPING CO.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (2) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered, That:*

(a) McBride Clipping Company, 205 Second Street, Watertown, Wisconsin, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of packages contents	Maximum list price per dozen packages	Maximum retail price per package
Millers Cigar Clippings.....	Plain.....	7	\$4.75	47
Millers Cigar Clippings.....	Plain.....	14	9.15	65

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18294; Filed, Dec. 1, 1944;  
4:49 p. m.]

[Order 101 Under 18 (c)]

## STANDARD BREAD

## ADJUSTMENT OF MAXIMUM PRICES

Order No. 101 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

No. 243—7

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) That Order No. 79 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be, and the same hereby is, revoked, and

(b) That the maximum price on all sales at wholesale of standard bread baked in a one and one-half pound loaf in the following counties of the State of California, to wit: Los Angeles, Kern, San Luis Obispo, Santa Barbara, Riverside, Imperial, Orange, San Bernardino and Ventura, shall be the appropriate one of the following:

(1) If the seller's maximum price determined under section 2 of the General Maximum Price Regulation is less than nine and three-fifths (.0935) cents, then his maximum price shall be his maximum price as determined under section 2 of the General Maximum Price Regulation plus one (.01) cent; or

(2) If the seller's maximum price determined under section 2 of the General Maximum Price Regulation is nine and three-fifths (.0935) cents or more, then his maximum price shall be his maximum price so determined under section 2 of the General Maximum Price Regulation, or ten and three-fifths (.1035) cents, whichever is higher; and

(c) That the maximum price of standard bread baked in a one and one-half (1½) pound loaf in the counties named in paragraph (b) hereof, whose maximum price as determined under section 2 of the General Maximum Price Regulation is twelve (.12) cents or more, but not greater than thirteen (.13) cents, per one and one-half (1½) pound loaf, shall be thirteen (.13) cents, per one and one-half (1½) pound loaf; and

(d) That the maximum price of retailers on sales of standard bread baked in a one and one-half (1½) pound loaf

in the counties named in paragraph (b) hereof, whose maximum price as determined under section 2 of the General Maximum Price Regulation is less than twelve (.12) cents per one and one-half (1½) pound loaf, shall be the sellers' maximum price as determined under section 2 of the General Maximum Price Regulation plus one (.01) cent per one and one-half (1½) pound loaf; and

(e) That when used in this order, the following terms shall have the following meanings:

(1) "Standard bread" means white and wheat or part whole wheat pan bread, but it does not include French, Italian, rye, raisin, pumpernickel, soybean, potato, cracked grain, walnut raisin, nut, fruit, health food or similar breads.

(2) "Sales at wholesale" means sales to retailers, government procurement agencies, or to commercial, industrial or institutional users;

(3) "Sales by retailers" means sales to ultimate consumers, except commercial, industrial or institutional users; and

(f) That this order shall not apply to sales of standard bread to the Army or Navy of the United States; and

(g) That this order may be amended or revoked by the Price Administrator at any time; and

(h) That this order shall become effective on December 2, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18309; Filed, Dec. 1, 1944;  
4:43 p. m.]

[Order 375 Under 3 (b), Order 71]

ALABAMA AGRICULTURAL EXPERIMENT  
STATION

## AUTHORIZATION OF MAXIMUM PRICES

Order No. 71 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. Alabama Agriculture Experimental Station of Alabama Polytechnical Institute, Docket No. N-6352-13b-130-7.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered, That:*

(a) Alabama Agriculture Experimental Station is hereby authorized to sell to all wholesalers and chain and syndicate stores the following food products (as described in its price application) per case containing the item packed as specified in the quantity below indicated at the indicated maximum price, delivered to the purchaser's customary receiving point:

## ITEM AND MAXIMUM PRICE

(In dollars)

Per case content	Taffo	Nut Taffo	Pecan Taffo	Macaroon	Orange Taffo	Fluffies	Alamalt	Crunches	Wafers	Golden Wave	Golden Curl	Golden Shred	Golden Nugget
6 doz. 4-oz. cellophane bags	7.20	7.20		7.20	7.20								
6 doz. 3-oz. cellophane bags			7.20			7.20							
1 doz. 4.5-oz. jars	1.44			1.44									
1 doz. 6-oz. jars					1.44								
1 doz. 8-oz. jars						1.44		2.00					
1 doz. 3-oz. jars							2.00		1.44				
1 doz. 11-oz. jars										2.40	2.40		
2 doz. 6-oz. cartons												2.40	
2 doz. 6-oz. cartons													2.40
2 doz. 9-oz. cartons													
12 doz. 1.21-oz. cellophane bags	6.02												
12 doz. 1.14-oz. cellophane bags		6.20											
12 doz. 1.25-oz. cellophane bags					6.19								
12 doz. 1.29-oz. cellophane bags				6.36									

(b) Alabama Agriculture Experimental Station is hereby authorized to sell to all wholesalers and chain and syndicate stores the following Variety Box Assortments (as described in its price application) packed 24 boxes to the case, each

box containing the 8 cellophane bag items marked X under the column designating the Variety Assortment (A, B, C, D, E, F, G or H) at the maximum price indicated per case, delivered to the purchaser's customary receiving point:

Cellophane bag content—	Variety box assortment and maximum price							
	A \$13.20	B \$13.17	C \$12.96	D \$13.55	E \$13.69	F \$13.91	G \$13.55	H \$14.03
Macaroon—1.80 oz.	X	X	X	X	X	X	X	X
Nut Taffo—1.60 oz.	X	X	X	X	X	X	X	X
Orange Taffo—1.75 oz.	X	X	X	X	X	X	X	X
Cookie—1.30 oz.	X	X	X	X	X	X	X	X
Wafer—1.10 oz.	X	X	X	X	X	X	X	X
Crunches—2.10 oz.	X	X	X	X	X	X	X	X
Pecan Taffo—1.60 oz.	X	X	X	X	X	X	X	X
Taffo—1.70 oz.	X	X	X	X	X	X	X	X
Alamalt—3.63 oz.	X	X	X	X	X	X	X	X
Fruit Taffo—1.15 oz.	X	X	X	X	X	X	X	X

(c) Alabama Agriculture Experimental Station and all wholesalers are authorized to determine their maximum price per dozen for sales of the above items to independent retailers of any items included in this order by multiplying the above appropriate per case price set forth in paragraphs (a) or (b) by 1.25 and dividing the figure obtained by the number of dozens contained in the case. Wholesalers shall notify their purchasers who sell at retail of the method by which retail prices must be established.

(d) All independent retailers who sell to ultimate consumers are authorized to determine their maximum price per retail unit of any item included in this order by multiplying their supplier's maximum price per dozen by .125.

(e) Chain and syndicate stores are authorized to determine their maximum prices per item for sales to ultimate consumers of any items included in this order by multiplying the appropriate per case price set forth in paragraph (a) or (b) by 1.67 and dividing the figure obtained by the number of retail units contained in the case.

(f) Alabama Agriculture Experimental Station shall mail or otherwise supply to its wholesale purchasers the following notice:

The OPA has established maximum prices at all levels of sale for various food products

manufactured by us. Our maximum delivered price to wholesalers for the items included in this sale are as follows:

dozens  
1. \_\_\_\_\_  
Name of item Price Per case content

As a wholesaler you should determine your maximum delivered price per dozen retail units delivered to the retailer by multiplying our maximum price per case to you by 1.25 and dividing the figure obtained by the number of dozens contained in the case. You must notify your purchasers who sell at retail of your maximum delivered price per dozen of retail unit and advise them that they must determine their maximum price per retail unit by multiplying your selling price per dozen by .125.

(g) Alabama Agriculture Experimental Station shall mail or otherwise supply to its retail chain and syndicate store purchasers the following notice:

The OPA has established maximum prices at all levels of sale for various food products manufactured by us. Our maximum delivered price to chain and syndicate stores for the items included in this sale are as follows:

dozens  
1. \_\_\_\_\_  
Name of item Price Per case content

As a retailer you should determine your maximum price per retail unit by multiplying our maximum price per case to you by 1.67 and dividing the figure obtained by the number of retail units contained in this case.

(h) Alabama Agriculture Experimental Station shall mail or otherwise supply

to its independent purchasers who sell at retail the following notice:

The OPA has established maximum prices at all levels of sale for various food products manufactured by us. Our maximum delivered price to independent retail stores for the items included in this sale are as follows:

1. \_\_\_\_\_  
Name of item Price Per dozen  
As a retailer you should determine your maximum price per retail unit by multiplying our maximum price per dozen to you by .125.

(i) The prices established in this order are the highest prices for which the items listed herein may be sold by the respective sellers. All sellers, on sales of these items, shall reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable food items. In the application of any customary differentials, the specific maximum prices established by this order shall not be exceeded.

(j) This order may be revoked or amended at any time by the Price Administrator.

(k) This Order No. 71 shall become effective on the 2d day of December 1944 and shall expire 7 months thereafter. Thirty days prior to the expiration date the Alabama Experimental Station may re-file its price application with the National Office of the Office of Price Administration, Washington, D. C., requesting the authorization of permanent maximum prices.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18298; Filed, Dec. 1, 1944; 4:48 p. m.]

[Order 375 Under 3 (b), Order 72]

CRYSTAL PURE CANDY CO.

## AUTHORIZATION OF MAXIMUM PRICES

Order No. 72 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. Crystal Pure Candy Company; Docket No. N6352-13b-150-7.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered, That:

(a) The maximum prices for the hereinafter indicated sales of "Victory Candy Pops", a candy sucker, minimum weight 1.05 ounces each, manufactured by the Crystal Pure Candy Company, 2611 W. Chicago Avenue, Chicago, Illinois, in accordance with its formula contained in its price application dated July 25, 1944 shall be as follows:

- (1) From the Crystal Pure Candy Company to wholesalers—\$0.68 per 60 count box, delivered.
- (2) From wholesaler to retailer—\$0.85 per 60 count box, delivered.
- (3) From retailers to consumers—\$0.93 per item.

(b) The prices established in this order are the highest prices for which "Victory Candy Pops" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been

applied to sales of other comparable candy items. In the application of any customary differentials the specific maximum prices established by this order shall not be exceeded.

(c) Crystal Pure Candy Company shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchaser the following notice:

The Office of Price Administration has authorized us to sell our "Victory Candy Pops" to wholesalers at a maximum delivered price of 68 cents per 60 count box. Wholesalers are authorized to sell this item to retailers at a maximum delivered price of 85 cents per 60 count box. On sales of this item all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of comparable candy items. In the application of any customary differential, the specific maximum prices mentioned herein must not be exceeded.

(d) Crystal Pure Candy Company, for a period of at least ninety days, shall place in or on each smallest retail packaging unit of this item, the following notice:

The Office of Price Administration has authorized maximum prices for sales of "Victory Candy Pops." Wholesalers are authorized to sell this item to retailers at a maximum delivered price of 85 cents per 60 count box. Retailers are authorized to sell this item at a maximum price not in excess of 2 cents per item. On sales of this item, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differential the specific maximum prices mentioned herein shall not be exceeded.

(e) This order may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 72 shall become effective December 2, 1944.

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18299; Filed, Dec. 1, 1944;  
4:50 p. m.]

[Supp. Order 94, Order 11]

#### U. S. TREASURY DEPARTMENT, PROCUREMENT DIVISION

##### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which surplus United States Signal Corps Flashlight Batteries hereinafter described may be sold by United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per battery described herein shall be:

*Description of batteries:* Surplus United States Signal Corps flashlight battery, BA 30, Size D flashlight cell.

(1) Treasury's price (f. o. b. point of shipment) to wholesaler: \$1½¢ for sales made up to and including January 1, 1945; 8¢ for sales made on and after January 2, 1945.

These maximum prices shall not apply to sales of any battery manufactured more than 3 months prior to the date of sale.

(2) Wholesaler's price and Treasury's price (f. o. b. point of shipment) to retailer—8½¢.

This maximum price shall not apply to sales of any battery manufactured more than 10 months prior to the date of sale.

(3) Retailer's price—10¢.

This maximum price shall not apply to sales of any battery manufactured more than 12 months prior to the date of sale.

Note: The dates stamped on these surplus batteries indicate the dates of manufacture.

(c) *Discounts and allowances.* Every seller shall continue to maintain his customary allowances, discounts, differentials and freight practices.

(d) *Notification of maximum prices.* Any person who sells the flashlight batteries described in paragraph (b) to a retailer, shall notify the retailer of the retailer's maximum reselling price under paragraph (b). This notice may be given in any convenient form.

(e) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells flashlight batteries to purchasers other than consumers.

(f) *Over-age batteries.* Sales of batteries which do not fall within the age limits set forth in paragraph (b) shall be subject to the provisions of section 6.49 of Revised Supplementary Regulation No. 14 covering sales of military salvage and military scrap dry batteries.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective December 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18305; Filed, Dec. 1, 1944;  
4:51 p. m.]

[Administrative Notice 8]

#### FLUE-CURED TOBACCO

##### ADJUSTMENT OF MAXIMUM PRICES

Pursuant to the provisions of the Emergency Price Control Act of 1942, as amended, the Price Administrator hereby gives notice to growers that, for flue-cured tobacco of the 1945 crop, he proposes to establish the same maximum prices as those established for the 1944 crop by Maximum Price Regulation 549. In that regulation it is provided that the weighted average purchase price paid by any buyer for flue-cured tobacco on the loose-leaf markets shall not exceed:

\$39.00 per cwt., green weight, for untied loose-leaf tobacco.

\$43.00 per cwt., green weight, for tied loose-leaf tobacco.

\$5.00 per cwt., green weight for farm scrap tobacco.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

Approved: December 1, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-18332; Filed, Dec. 2, 1944;  
11:55 a. m.]

[Max. Import Price Reg., Order 59]

#### BERTEX INDUSTRIAL

##### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices at which the importer may sell, and maximum prices at which wholesalers and retailers may buy and sell, certain cigarette lighters imported from Mexico by Bertex Industrial, Majestic Building, San Antonio, Texas, hereinafter called the "importer". These lighters are identified as "Chrome finish cigarette lighter—Mexican Patent No. 43054, Trademark: 'PE' ", and "Silver plated 'Zippo' type cigarette lighter made of copper". The words "Made in Mexico" are engraved on the bottom of each lighter.

(b) *Maximum prices on sales by the importer.* The importer may sell these cigarette lighters at prices not exceeding the following:

Description	To wholesalers	Maximum prices	
		Retailers	Consumers
Chrome finish lighter.....	\$3.25 each, delivered	\$4.75 each, delivered	\$7.45 each.
Silver plated lighter.....	\$1.75 each, delivered	\$2.50 each, delivered	\$4.00 each.

No wholesaler, retailer or consumer may pay the importer higher prices.

(c) *Maximum wholesale and retail prices.* No wholesaler or retailer may charge, and no person buying from them may pay, prices higher than the following for such lighters:

Description	Class of seller	Maximum prices
Chrome finish lighter.....	(Sales by wholesalers.....)	\$4.75 each, delivered.
	(Sales by retailers.....)	\$7.95 each.
Silver plated lighter.....	(Sales by wholesalers.....)	\$2.50 each, delivered.
	(Sales by retailers.....)	\$4.50 each.

(d) *Importer to notify wholesalers.* The importer shall furnish a copy of this Order to each wholesaler to whom such lighters are sold and shall also include on the invoice the following statement:

The enclosed Order No. 59, issued under the Maximum Import Price Regulation by the Office of Price Administration, establishes your maximum selling prices for these lighters and requires you to notify your customers what is their maximum price, as stated in the order.

(e) *Importer and wholesalers to notify retailers.* The importer and every wholesaler selling such lighters to retailers shall include on his invoice to each retailer the following statement:

Your maximum selling price for these lighters, as established by Order No. 59 under the Maximum Import Price Regulation issued by the Office of Price Administration, is \$ each. (Insert \$7.95 for chrome finish lighter—\$4.50 for silver plated lighter.)

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective on December 4, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18331; Filed, Dec. 2, 1944;  
11:55 a. m.]

[Max. Import Price Reg., Amdt. 1 to Order 38]

#### IMPORTED FOODS

##### ESTABLISHMENT OF MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. 38 under Maximum Import Price Regulation is amended in the following respects:

1. Paragraph (d) is amended by amending the date "December 1, 1944" to read "January 15, 1945."

2. Paragraph (d) (1) is added to read as follows:

(1) Notwithstanding the provisions of orders heretofore or hereafter issued pursuant to this paragraph (d), the maximum prices which such orders authorize for sales of food items prior to December 1, 1944 shall apply to sales of such items prior to January 15, 1945.

This amendment shall become effective December 1944.

Issued this 1st day of December 1944.

JAMES G. ROGERS, JR.,  
Acting Administrator.

[F. R. Doc. 44-18330; Filed, Dec. 2, 1944;  
11:53 a. m.]

[MPR 64, Order 164]

#### PACIFIC STOVE AND FOUNDRY CO.

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation No. 64, it is ordered:

(a) Pacific Stove and Foundry Company, 1120 West Idaho Street, Seattle, Washington, may increase its maximum prices for sales and deliveries to retailers, of the two models of coal and wood ranges which it manufactures, by the dollars-and-cents amounts set forth below, resulting in the following maximum price for each model:

Article	Model No.	Permitted increase	Adjusted maximum price to retailers
Coal and wood range.....	114-18	\$1.59	\$54.79
Coal and wood range.....	4-16	2.79	36.05

These maximum prices are subject to a cash discount of 2% for payment on the tenth proximo, and are subject to the manufacturer's customary terms, allowances, and price differentials in effect during the period January 15 to June 1, 1941.

(b) Any person, other than the manufacturer, may increase his maximum prices properly computed under the General Maximum Price Regulation on the basis of the manufacturer's price in effect prior to the effective date of this order, by no more than the dollars-and-cents amounts set forth below:

Article and Model No.:	Permitted increase in maximum prices, each
Coal and wood range, 114-18.....	\$1.59
Coal and wood range, 4-16.....	2.79

(c) At the time of or prior to the first invoice to each retailer after the effective date of this order covering the sale of a stove listed above, the manufacturer shall notify in writing the retailer of the provisions of paragraph (b) above. This notice may be given in any convenient form.

(d) This order may be revoked or amended at any time.

	Size group No.														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Rail shipments (including railroad fuel, all uses).....	415	415	395	390	395	390	330	310	310	265	265	245	330	305	285
Truck shipments.....	400	400	445	425	430	370	345	305	285	275	265	240	360	330	305

This order shall become effective on the 4th day of December 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18336; Filed, Dec. 2, 1944;  
11:53 a. m.]

[MPR 120, Amdt. 4 to Order 908]

#### HUFF CREEK MINE

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; it is ordered:

Order No. 906 under Maximum Price Regulation No. 120 is amended in the following respect:

The numerals "12/2/44" in footnote 2 below the table of maximum prices are deleted and the numerals "6/2/45" are inserted in the same place.

This Amendment No. 4 to Order No. 906 shall become effective December 2, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18334; Filed, Dec. 2, 1944;  
11:54 a. m.]

[MPR 120, Order 1178]

#### CORNIA COAL MINING CO.

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; it is ordered:

(a) The Squaw Creek Mine of Cornia Coal Mining Company is hereby assigned Mine Index No. 1003 and its coals are classified in Subdistrict No. 1 Price Group.

(b) Coals produced by Cornia Coal Mining Company, Salt Lake City, Utah, from its Squaw Creek Mine, Mine Index No. 1003, operating in the Castle Gate Sub Seam No. 1 located in Subdistrict No. 1 of District No. 20, may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

When the coals of Size Group Nos. 10, 11 or 12 are subjected to chemical or oil treatment, for all methods of shipment, an additional per net ton charge not exceeding 25 cents may be made: *Provided*, First, the purchaser of the coal requires it; Second, the producer is equipped with adequate facilities for the treatment of coal; Third, the treatment is performed in an adequate and thorough manner; Fourth, the charge for the service is separately stated on the producer's invoice or other memorandum of sale.

(c) The prices established herein are f. o. b. the mine for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad fuel for all uses.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

This order shall become effective December 4, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18333; Filed, Dec. 2, 1944; 11:55 a. m.]

[MPR 188, Order 3025]

M. S. LITTLE CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation 188; *It is ordered*:

(a) The maximum net price for sales by the M. S. Little Company of the two models of quick vent valves described below shall be as follows:

	On sales to wholesalers	On sales to all other persons
Model No. 200.....	Each \$1.20	Each \$1.85
Model No. 300.....	Each 2.60	Each 3.65

(b) The maximum net price for sales of the following models of quick vent valves manufactured by the M. S. Little Company by wholesalers shall be as follows:

Model No. 200.....	Each \$1.85
Model No. 300.....	Each 3.65

(c) The maximum prices established by this order are f. o. b. point of shipment.

(d) The maximum prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or

rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) The maximum prices for sales of the two models of quick vent valves covered by this order on an installed basis shall be determined in accordance with the provisions of Maximum Price Regulation 251.

(f) The M. S. Little Company shall notify each of its purchasers, at the time of the first invoice, of the maximum prices established by this order for the M. S. Little Company on sales to such purchaser and the maximum price established for wholesalers.

(g) The order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 4, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18337; Filed, Dec. 2, 1944; 11:54 a. m.]

[Rev. SR 14, Order 21]

CRIMSON COACH, INC.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (2) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation; *It is ordered*, That:

(a) Crimson Coach Incorporated, 2224 Albion Street, Toledo, Ohio (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of packages contents	Maximum list price per dozen packages	Maximum retail price per dozen packages
Stedler.....	(Phila.....)	8	\$4.85	49
	(Phila.....)	16	9.69	91
Zipper.....	(Phila.....)	8	4.85	49
	(Phila.....)	16	9.69	91

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 4, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18335; Filed, Dec. 2, 1944; 11:54 a. m.]

[Order 23 Under 3 (c)]

SEAMAN BROS., INC.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) (3), *It is ordered*:

(a) The maximum delivered prices for sales of "Air-Wick," packaged by Seaman Brothers, Inc., New York, New York, in a 16-ounce bottle containing approximately 15% fluid ounces, shall be:

To Distributors

	Per dozen
1 dozen lots.....	\$12.50
6 dozen lots.....	10.75
60 dozen lots.....	10.25

To Ultimate Consumers

\$1.49 per bottle.

(b) No extra charge may be made for containers.

(c) Prior to making any delivery of the aforesaid commodity, Seaman Brothers, Inc. shall mark or cause to be marked on each bottle of "Air-Wick" or on the carton containing same the following notation:

"Retail ceiling price \$1.49"

(d) With or prior to the first delivery of the aforesaid commodity to a distributor, Seaman Brothers, Inc. shall furnish such distributor a written notice as follows:

Notice: A maximum delivered retail price of \$1.49 per 16-ounce bottle has been established by the Office of Price Administration for sales of "Air-Wick."

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 4, 1944.

Issued this 2d day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18323; Filed, Dec. 2, 1944; 11:53 a. m.]



[Rev. Gen. Order 32, Amdt. 16]

## REGIONAL ADMINISTRATORS

## DELEGATION OF AUTHORITY

Paragraph (c) (5) of Revised General Order No. 32 is amended to read as follows:

(5) The Regional Administrator for Region II may, by issuing an "Order of Delegation under Revised Order No. 32," delegate in whole or in part to a District Director within his region the functions, duties, powers and authority conferred upon the Regional Administrator by § 1340.260 of Revised Maximum Price Regulation No. 122 (Solid fuels sold and delivered by dealers) for the purpose of acting upon applications for adjustment filed under paragraph (c) of Order No. 53 under Revised Maximum Price Regulation No. 122 (Solid Fuels Sold and Delivered by Dealers) issued by the Regional Administrator for Region II.

This amendment shall become effective December 2, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.  
*Acting Administrator.*

[F. R. Doc. 44-18348; Filed, Dec. 2, 1944;  
3:50 p. m.]

[RMPR 148, Order 51]

DRESSED HOGS AND WHOLESALE PORK CUTS  
IN COLORADO

## ADJUSTMENT OF MAXIMUM PRICES

Pursuant to § 1364.23 (b) of Revised Maximum Price Regulation No. 148, I find that a critical shortage of meat has occurred in the counties of Grand, Routt and Moffat in the State of Colorado because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Grand, Routt and Moffat Counties in the State of Colorado are hereby designated as critical areas, and the Regional Administrator for the Seventh Region, or any district manager authorized by him may in writing authorize sellers to charge and receive, for dressed hogs and wholesale pork cuts and processed products sold to buyers in Grand, Routt and Moffat Counties, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller the Regional Administrator or the District Manager authorized by him shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Grand, Routt and Moffat Counties and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maxi-

imum delivered prices in Grand, Routt, and Moffat Counties, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered prices at Grand, Routt and Moffat Counties in the State of Colorado.

This designation shall remain in effect to and including June 30, 1945, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective December 2, 1944.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.  
*Acting Administrator.*

[F. R. Doc. 44-18348; Filed, Dec. 2, 1944;  
3:50 p. m.]

[RMPR 169, Order 60]

BEEF AND VEAL CARCASSES AND WHOLESALE  
CUTS IN TENNESSEE

## DESIGNATION OF DEFICIENCY AREAS

Pursuant to § 1364.415 (c) of Revised Maximum Price Regulation No. 169, I find that there exists in the counties of Roane, Knox and Anderson in the State of Tennessee quotas permitting sales of fabricated meat cuts which are insufficient to supply the requirements of purveyors of meals located in those areas. I find, furthermore, that this condition has occurred because of an increase in population in such areas due to the maintenance of projects connected directly with the war effort and under the direction and control of the United States Government. The counties of Roane, Knox and Anderson in the State of Tennessee are hereby designated as deficiency areas and the Administrator at Washington, D. C., may, in writing, authorize named sellers to sell and deliver specified quantities of fabricated meat cuts to purveyors of meals for such period and subject to such terms and conditions as he may deem necessary.

This designation shall remain in effect to and including June 30, 1945, unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective December 2, 1944.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.  
*Acting Administrator.*

[F. R. Doc. 44-18349; Filed, Dec. 2, 1944;  
3:51 p. m.]

[RMPR 169, Order 61]

BEEF AND VEAL CARCASSES AND WHOLESALE  
CUTS IN COLORADO

## ADJUSTMENT OF MAXIMUM PRICES

Pursuant to § 1364.405 (b) of Revised Maximum Price Regulation No. 169, I find that a critical shortage of meat has

occurred in the counties of Grand, Routt and Moffat in the State of Colorado because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Grand, Routt and Moffat Counties in the State of Colorado are hereby designated as critical areas, and the Regional Administrator for the Seventh Region, or any district manager authorized by him may in writing authorize sellers to charge and receive, for beef or veal carcasses and wholesale cuts and processed products sold to buyers in Grand, Routt and Moffat Counties, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller the Regional Administrator or the District Manager authorized by him shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Grand, Routt and Moffat Counties and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Grand, Routt and Moffat Counties, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Grand, Routt and Moffat Counties in the State of Colorado.

This designation shall remain in effect to and including June 30, 1945, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective December 2, 1944.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.  
*Acting Administrator.*

[F. R. Doc. 44-18350; Filed, Dec. 2, 1944;  
3:51 p. m.]

[RMPR 239, Order 8]

LAMB AND MUTTON CARCASSES AND WHOLESALE  
CUTS IN COLORADO

## ADJUSTMENT OF MAXIMUM PRICES

Pursuant to § 1364.155 (b) of Revised Maximum Price Regulation No. 239, I find that a critical shortage of meat has occurred in the counties of Grand, Routt and Moffat in the State of Colorado because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Grand, Routt and Moffat Counties in the State of Colorado are hereby designated as critical areas, and the Regional Administrator for the Seventh Region, or any district manager authorized by him may in

writing authorize sellers to charge and receive, for lamb and mutton carcasses and wholesale cuts and processed products sold to buyers in Grand, Routt and Moffat Counties, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller the Regional Administrator or the District Manager authorized by him shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Grand, Routt and Moffat Counties and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Grand, Routt and Moffat Counties, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Grand, Routt and Moffat Counties in the State of Colorado.

This designation shall remain in effect to and including June 30, 1945, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective December 2, 1944.

Issued this 2d day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18347; Filed, Dec. 2, 1944; 3:50 p. m.]

[MPR 136, Order 361]

TEMPLETON, KENLY AND CO.

ADJUSTMENT OF MAXIMUM PRICES

#### Correction

In Federal Register document No. 44-17812, appearing at page 14024 of the issue for Saturday, November 25, 1944, the second and last prices for Jack No. 304T should be "6.80" and ".88", respectively.

[2d Rev. MPR 213, Order 16]

UNITED STATES SPRING BED CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 9 (b) (1) of 2d Revised Maximum Price Regulation No. 213: It is ordered:

(a) This order establishes maximum prices for sales of a new steel frame, helical top, double deck bed spring equipped with two band stabilizers, an angle border, and a full platform top, meeting all specifications for a class 111 coil bed-spring as set forth in 2d Revised Maximum Price Regulation No. 213 manufactured by the United States Spring Bed Company, Springfield, Massachusetts, as follows:

(1) For all sales and deliveries by the manufacturer to retailers, the maximum

price is \$3.60 each. This price is f. o. b. factory and is subject to a cash discount for payment within 10 days, net 30 days.

(2) For sales at retail by any person the cash maximum price is \$16.25 each. This price is subject to the seller's customary terms, discounts and allowances in effect during March 1942 on sales of comparable bedsprings.

(b) The United States Spring Bed Company shall notify, in writing, all retailers who purchase the bedspring described above, of the maximum price established by this order for sales at retail. This notice may be given in any convenient form, and shall be given at the time of, or prior to the first invoice to each retailer covering a sale of the bedspring described above.

(c) Before delivering any of the bedsprings described above, United States Spring Bed Company must attach securely to each bedspring a durable tag containing in easily readable lettering the following:

O.P.A. has established a cash retail ceiling price of \$16.25 for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(d) Unless the context otherwise requires, the definitions set forth in 2d Revised Maximum Price Regulation No. 213 shall apply to the terms used in this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 5th day of December 1944.

Issued this 4th day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18372; Filed, Dec. 4, 1944; 11:29 a. m.]

[Supp. Order 94, Amdt. 1 to Order 8]

UNITED STATES MARITIME COMMISSION

SPECIAL MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith.

	Size group No.						
	1-5 incl.	6, 8, 10	7, 9, 11	12, 14, 15, 16	13, 17, 20, 21	17, 19	22, 23
Rail shipments (including railroad fuel, all uses)	433	429	429	419	419	419	429
Truck shipments	419	415	415	429	419	415	429

(c) The prices established herein are f. o. b. the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad fuel.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

Order No. 8 under Supplementary Order 84 is amended in the following respects:

1. Paragraph (b) (1) is added to read as follows:

(1) Any dealer whose margin over landed cost is reduced to less than \$20.00 as a result of the maximum price established herein may add to the maximum price an amount which will permit him a margin of \$20.00 over landed cost.

"Landed cost," as used herein, means price paid plus actual transportation costs incurred by the dealer.

This amendment to Order No. 8 shall become effective December 5, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 75th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4631)

Issued this 4th day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18371; Filed, Dec. 4, 1944; 11:27 a. m.]

[MPR 123, Order 1167]

ALABAMA FUEL & IRON CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

(a) The Henry Ellen No. 2 Mine of Alabama Fuel & Iron Company, Birmingham, Alabama, is hereby assigned Mine Index No. 2057 and its coals are classified in Maximum Price Group No. 9 for rail shipments and railroad fuel and in Maximum Price Group No. 5 for truck shipments.

(b) Coals produced by Alabama Fuel & Iron Company from the Harkness Seam at its Henry Ellen No. 2 Mine, Mine Index No. 2057 in St. Clair County, Alabama in District No. 13, may be purchased and sold, for the indicated uses and movements, at per net ton prices in cents per net ton not exceeding the following:

This order shall become effective December 5, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 75th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4631)

Issued this 4th day of December 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-18373; Filed, Dec. 4, 1944; 11:27 a. m.]

## Regional and District Office Orders.

[Detroit Order G-3 Under MPR 426, Amdt. 1]

FREIGHT TRANSPORTATION IN DETROIT,  
MICH., AREA

Pursuant to the Emergency Price Control Act of 1942, as amended, The Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, Maximum Price Regulation 426, as amended, and Region III Second Revised Delegation Order No. 1-A, and for the reasons set forth in the accompanying opinion, *It is hereby ordered*, That:

(1) Section 3 of Detroit District Order G-3 to Maximum Price Regulation 426 is amended to read as follows:

The items covered by this order are the items listed in Appendices H, I, J and K of Maximum Price Regulation 426.

(2) Section 4 of Detroit District Order G-3 to Maximum Price Regulation 426 is amended to read as follows:

(a) Section 8 (a) (7) of the Maximum Price Regulation 426 provides that "freight from basing point to wholesale receiving point" or "freight from shipping point to wholesale receiving point" means the cost per package for transportation by the cheapest customary and generally available means. *It is hereby ordered*, That in determining such cost for all sales where the intermediate seller's principal place of business is located within the geographical coverage of this order, and the items of fruit and vegetables are purchased at a primary market and then transported to a secondary market, the intermediate seller may compute the freight for the same as if Detroit, Michigan were the wholesale receiving point, and then add to such computation an amount as follows:

- 5¢ per container for containers under 26 lbs. (gross weight).
- 10¢ per container for containers of 26 to 50 lbs. (gross weight).
- 15¢ per container for containers from 51 to 75 lbs. (gross weight).
- 20¢ per container for containers of 76 lbs. or more (gross weight).

(b) The above additions may be made for the purpose of computing the maximum prices which are based on the Column 6 price (delivered to wholesale receiving point) of these items.

Effective this 22d day of November 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 16409)

Issued this 22d day of November 1944.

W. E. FITZGERALD,  
District Director.

Approved:

E. O. POLLACK,  
Regional Director of Distribution,  
War Food Administration.

[F. R. Doc. 44-18306; Filed, Dec. 2, 1944;  
10:30 a. m.]

[Region VI Order G-100 Under SR 15]

## FLUID MILK IN CHICAGO REGION

## Correction

In Federal Register document No. 44-17899, appearing in the issue for Saturday, November 25, 1944, page 14033, paragraph (d) (3) should read as follows:

(3) Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register December 2, 1944.

## REGION II

Scranton Order 4-F, Amendment 5, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 10:55 a. m.

Syracuse Order 4-F, Amendment 7, covering fresh fruits and vegetables in certain counties in the State of New York, filed 10:30 a. m.

## REGION III

Columbus Order 3-F, Amendment 52, covering fresh fruits and vegetables in Columbus and Franklin County, Ohio, filed 10:40 a. m.

Columbus Order 8, Amendment 17, covering fresh eggs in Columbus, Ohio, filed 10:48 a. m.

Columbus Order 9, Amendment 15, covering fresh eggs in Columbus, Ohio, filed 10:46 a. m.

Columbus Order 12, Amendment 8, covering fresh eggs in certain counties in Ohio, filed 10:40 a. m.

Detroit order 1-F, Amendment 48, covering fresh fruits and vegetables in the designated counties in Michigan, filed 10:54 a. m.

Lexington Order 1-F, Amendment 57, covering fresh fruits and vegetables in Boyd County, Ky., filed 10:36 a. m.

Saginaw Order 2-F, Amendment 44, covering fresh fruits and vegetables in certain counties in the State of Michigan, filed 10:35 a. m.

Saginaw Order 2-F, Amendment 45, covering fresh fruits and vegetables in certain counties in the State of Michigan, filed 10:35 a. m.

Saginaw Order 3-F, Amendment 11, covering fresh fruits and vegetables in certain counties in the State of Michigan, filed 10:34 a. m.

## REGION IV

Birmingham Order 18, Amendment 1, covering community food prices in the Birmingham area, filed 10:56 a. m.

Memphis Order 8-F, Amendment 7, covering fresh fruits and vegetables in the city of Memphis and the county of Shelby, filed 10:40 a. m.

Montgomery Order 21-F, Amendment 6, covering fresh fruits and vegetables in Montgomery County, Ala., filed 10:35 a. m.

Montgomery Order 24-F, Amendment 5, covering fresh fruits and vegetables in Dallas County, Ala., filed 10:35 a. m.

## REGION VI

Des Moines Order 1-F, Amendment 44, covering fresh fruits and vegetables in the Des Moines area, filed 10:38 a. m.

Des Moines Order 1-W, covering community food prices in the Des Moines area, filed 10:30 a. m.

Des Moines Order 2-W, covering community food prices in the Cedar Rapids area, filed 10:39 a. m.

Des Moines Order 3-W, covering community food prices in the Waterloo area, filed 10:39 a. m.

Des Moines Order 4-W, covering community food prices in the Ottumwa area, filed 10:39 a. m.

Des Moines Order 5-W, covering community food prices in the Mason City area, filed 10:39 a. m.

Des Moines Order 6-W, covering community food prices in the Fort Dodge area, filed 10:38 a. m.

Duluth-Superior Order 1-F, Amendment 45, covering fresh fruits and vegetables in certain areas in Minnesota, filed 10:37 a. m.

Moline Order 3-W, Amendment 2, covering community food prices in certain counties in Illinois, filed 10:48 a. m.

Moline Order 38, Amendment 2, covering community pricing in certain counties in Illinois, filed 10:48 a. m.

Omaha Order 7-F, Amendment 21, covering fresh fruits and vegetables in Nebraska, Omaha and Council Bluffs, Iowa, filed 10:51 a. m.

Omaha Order 7-F, Amendment 22, covering fresh fruits and vegetables in Nebraska, Omaha and Council Bluffs, Iowa, filed 10:51 a. m.

Omaha Order 8-F, Amendment 21, covering fresh fruits and vegetables in Lincoln, Nebr., filed 10:50 a. m.

Omaha Order 8-F, Amendment 22, covering fresh fruits and vegetables in Lincoln, Nebr., filed 10:50 a. m.

Omaha Order 9-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Nebraska, filed 10:50 a. m.

Omaha Order 15, Amendment 6, covering community pricing in certain counties in Nebraska and Iowa, filed 10:38 a. m.

Omaha Order 15, Amendment 7, covering community pricing in certain counties in Nebraska and Iowa, filed 10:51 a. m.

Omaha Order 16, Amendment 4, covering community pricing in certain counties in Nebraska, filed 10:37 a. m.

Omaha Order 16, Amendment 5, covering community pricing in Lancaster County, Nebr., filed 10:37 a. m.

Omaha Order 17, Amendment 5, covering community pricing in certain counties in Nebraska, filed 10:52 a. m.

Omaha Order 18, Amendment 5, covering community pricing in certain counties in Nebraska and Iowa, filed 10:51 a. m.

Omaha Order 19, Amendment 5, covering community pricing in certain counties in Nebraska, filed 10:38 a. m.

Peoria Order 2-F, Amendment 29, covering fresh fruits and vegetables in certain cities in Illinois, filed 10:55 a. m.

Peoria Order 3-F, Amendment 29, covering fresh fruits and vegetables in certain cities in the State of Illinois, filed 10:55 a. m.

Peoria Order 4-F, Amendment 24, covering fresh fruits and vegetables in McLean County, Ill., filed 10:55 a. m.

Peoria Order 5-F, Amendment 12, covering fresh fruits and vegetables in Knox County, Ill., filed 10:56 a. m.

Sioux City Order 4-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Nebraska, filed 10:48 a. m.

## REGION VIII

Portland Order 20, covering community food prices in the Portland area, filed 10:52 a. m.

Portland Order 20, Amendment 1, covering community food prices in certain areas in Oregon and Washington, filed 10:52 a. m.

Portland Order 20, Amendment 2, covering community ceiling prices in certain counties in Oregon and Washington, filed 10:53 a. m.

Portland Order 20, Amendment 1-A, covering community ceiling prices in certain counties in Oregon and Washington, filed 10:52 a. m.

Portland Order 20, Amendment 2-A, covering community food prices in certain counties in Oregon and Washington, filed 10:53 a. m.

Portland Order 21, covering community food prices in the Albany-Corvallis area, filed 10:53 a. m.

Portland Order 21, Amendment 1, covering community ceiling prices in certain areas in the Oregon area, filed 10:53 a. m.

Portland Order 21, Amendment 2, covering community ceiling prices in certain areas in Oregon, filed 10:54 a. m.

Portland Order 21, Amendment 1-A, covering community ceiling prices in certain areas in Oregon, filed 10:54 a. m.

Portland Order 21, Amendment 2-A, covering community food prices in certain areas in Oregon, filed 10:54 a. m.

Portland Order 24, covering community food prices in the Astoria area, filed 10:33 a. m.

Portland Order 24, Amendment 1, covering community ceiling prices in certain areas in Oregon, filed 10:33 a. m.

Portland Order 24, Amendment 2, covering community ceiling prices in certain areas in Oregon, filed 10:34 a. m.

Portland Order 24, Amendment 1-A, covering community ceiling prices in certain areas in Oregon, filed 10:34 a. m.

Portland Order 24, Amendment 2-A, covering community ceiling prices in certain areas in Oregon, filed 10:34 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-18370; Filed, Dec. 4, 1944;  
11:27 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-926, 70-925]

MONTANA POWER CO., ET AL.

## ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November, A. D., 1944.

In the matter of The Montana Power Company and American Power & Light Company, File No. 70-926; in the matter of Glacier Production Company and American Power & Light Company, File No. 70-925.

American Power & Light Company, a registered holding company, and its subsidiary utility company, The Montana Power Company, having filed joint applications and declarations and amend-

ments thereto pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder with respect to: (1) the sale to American Power & Light Company of all the securities of Glacier Production Company owned by The Montana Power Company consisting of 6,000 shares of common stock having a stated value of \$660,000 and \$3,690,000 principal amount of debentures for a cash consideration of \$9,900,000 plus or minus certain adjustments and for an additional consideration consisting of an obligation on the part of American Power & Light Company to cause the conveyance of title to the natural gas properties owned by Glacier Production Company to The Montana Power Company and to cause the successor in interest to the oil properties owned by Glacier Production Company to continue the operation and development of such gas properties for the benefit of The Montana Power Company; and

American Power & Light Company and its non-utility subsidiary, Glacier Production Company, having filed joint applications and declarations and amendments thereto also pursuant to sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder with respect to: (1) the payment by Glacier Production Company, in cash, of its notes presently held by American in the principal amount of \$650,000 plus accrued interest; (2) the surrender by American Power & Light Company to Glacier Production Company, as a capital contribution, of \$3,690,000 principal amount of the debentures of the latter company; (3) the transfer to American Power & Light Company by Glacier Production Company, in final liquidation and dissolution, of all of its assets, subject to any liabilities which may then exist; (4) the sale to Union Oil Company of California, a non-affiliated company, by American Power & Light Company, of the oil production properties, gasoline absorption plant, and refinery, acquired by American Power & Light Company in the dissolution of Glacier Production Company, for a cash consideration of \$9,900,000 plus or minus certain adjustments and for an additional consideration consisting of an obligation to continue the development and operation of the gas production properties to be transferred to The Montana Power Company for the benefit of that company; (5) the conveyance to The Montana Power Company by American Power & Light Company of the above-mentioned gas production properties acquired by American Power & Light Company in the dissolution of Glacier Production Company; and

The respective applicants and declarants having requested that the Commission, in approving the proposed transactions, make the findings and recitals specified in sections 1303 (f), 371 (b), and 371 (f) of the Internal Revenue Code, as amended; and

The Commission having found that the joint applications and declarations, as filed, involved common questions of law and fact and having ordered that the proceedings thereon be consolidated; and

Inland Empire Refineries, Inc., a non-utility subsidiary of Glacier Production Company, and the stockholders of Inland Empire Refineries, Inc. other than Glacier Production Company, having filed an application for leave to intervene, or in the alternative for the right to participate in the consolidated proceedings in connection with their claim that the proposed transactions would be unfair and inequitable to them unless appropriate modification thereof was made; and

A public hearing on said applications and declarations having been duly held, at which hearing the said Inland Empire Refineries, Inc. and its stockholders other than Glacier Production Company were granted the right to participate in the said consolidated proceedings; and

The Commission having considered the record and the briefs filed and oral argument herein and having concluded by reason of the imminence of the expiration date of certain contracts in question that the parties should be advised forthwith and prior to any order of the Commission of the Commission's conclusion that the transactions as proposed could not be found fair and equitable to the stockholders of Inland Empire Refineries, Inc. other than Glacier Production Company and having so advised the parties; and

The Commission having been subsequently advised of a settlement between Glacier Production Company and Inland Empire Refineries, Inc. and its stockholders other than Glacier Production Company under which the original proposals would be modified so as to provide for the assignment by Glacier Production Company to Inland Empire Refineries, Inc. of the 32,834 shares of capital stock of Inland Empire Refineries, Inc. held by Glacier Production Company and the payment by Glacier Production Company to Inland Empire Refineries, Inc. of the sum of \$120,000; and

The Commission now finding, as more fully set forth in formal findings and opinion to be hereafter released, that the proposed transactions as amended comply with all of the applicable provisions of the act and the rules and regulations promulgated thereunder:

It is ordered, That said joint applications and declarations, as amended, be granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 promulgated pursuant to the Public Utility Holding Company Act of 1935 and to the following further conditions:

1. That the price of the gas production properties be specified in the contract between the American Power & Light Company and the Montana Power Company as the book value of such properties as presently carried on the books of Glacier Production Company less the reserve for depreciation and depletion accrued with respect to such property by Glacier Production Company, and that such contract contain an itemization of the elements of such gas production property by primary accounts.

2. That Glacier Production Company, in settlement of the claims raised by Inland Empire Refineries, Inc. and its

stockholders other than Glacier Production Company in the consolidated proceedings herein, assign to Inland Empire Refineries, Inc. the 32,894 shares of the capital stock of Inland Empire Refineries, Inc. held by Glacier Production Company and pay to Inland Empire Refineries Inc. the sum of \$120,000, in accordance with the agreement of settlement entered into by and between Glacier Production Company and Inland Empire Refineries, Inc. and its stockholders other than Glacier Production Company.

*It is further ordered*, That the sale and transfer of 6,000 shares of the capital stock and \$3,690,000 principal amount of the debentures of Glacier Production Company by The Montana Power Company to American Power & Light Company for cash plus a conveyance of the gas properties and a contract to operate them for the benefit of The Montana Power Company, the payment by Glacier Production Company to American Power & Light Company of \$650,000 plus accrued interest in settlement of notes held by American Power & Light Company in that amount, the transfer, in liquidation, of the remaining assets of Glacier Production Company to American Power & Light Company, the transfer by American Power & Light Company to Union Oil Company of California of the Glacier Production Company oil properties, and the transfer to The Montana Power Company of the Glacier Production gas properties and the contract to operate them for the benefit of The Montana Power Company, all as set forth in the applications and declarations herein, as amended, are steps in compliance with our order dated August 22, 1942, issued pursuant to section 11 (b) (2) directing the dissolution of American Power & Light Company, and that such payments, liquidation, acquisitions, sales, transfers, conveyances, and contracts are necessary or appropriate to the integration or simplification of the holding company system of which American Power & Light Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., Title 15, sec. 79k (b)).

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18338; Filed, Dec. 2, 1944;  
12:09 p. m.]

[File No. 1-2729]

#### ROBERTS PUBLIC MARKETS, INC.

##### ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of December 1944.

Roberts Public Markets, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, \$2 Par Value, from listing and registration on the Los Angeles Stock Exchange;

The Commission having ordered that a hearing be held in this matter on December 8, 1944 at the Los Angeles Office of the Commission;

It being found necessary to postpone said hearing;

*It is ordered*, That said hearing be held at 10:00 a. m. on Monday, January 8, 1945, at the office of the Securities and Exchange Commission, 312 North Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer conducting such hearing may determine; and

*It is further ordered*, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18339; Filed, Dec. 2, 1944;  
12:09 p. m.]

[File No. 59-72]

#### COLUMBIA GAS & ELECTRIC CORP. AND ITS SUBSIDIARY COMPANIES

##### ORDER REQUIRING DIVESTITURE BY HOLDING COMPANY SYSTEM OF COMPANIES AND PROPERTIES OWNED OR OPERATED THEREBY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November 1944.

The Commission having instituted proceedings with respect to Columbia Gas & Electric Corporation and its subsidiary companies under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935, and the Commission having at the request of Columbia Gas & Electric Corporation issued a statement of tentative conclusions with respect to the status of certain of the properties of the Columbia Gas & Electric Corporation holding company system in relation to the requirements of section 11 (b) (1) of the act:

Hearings having been held after appropriate notice as to certain of the issues arising under section 11 (b) (1) of the act and as to whether the tentative conclusions of the Commission should be adopted by it as its ultimate and definitive findings and an order entered in accordance therewith, and the Commission being fully advised in the premises and having this day made and filed its findings and opinion herein,

*It is ordered*, Pursuant to section 11 (b) (1) of the act that Columbia Gas & Electric Corporation limit the operations of its holding company system by severing its relationships with the following named companies:

American Water Works & Electric Co.  
Argo Oil Corporation.

Bridge Gas Co.  
The Cincinnati Gas & Electric Co.  
Columbia Corporation.  
The Dayton Power & Light Co.  
The Miami Development Co.  
Miami Power Corporation.  
Serval, Inc.  
The Ohio Fuel Supply Co.  
The Union Light, Heat & Power Co.  
The United Corporation.  
West Harrison Electric & Water Co., Inc.  
Wood Coal Co.  
Wooster Tool & Supply Co.

by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of said act, or the rules and regulations promulgated thereunder, or of this order, of its direct or indirect ownership, control and holding of securities issued and properties owned, controlled or operated by such companies.

*It is further ordered*, That jurisdiction be, and hereby is, reserved with respect to the retainability by Columbia Gas & Electric Corporation under the provision of section 11 (b) of the act of its interest in the following named companies:

Big Marsh Oil Co.  
Amere Gas Utilities Co.  
Atlantic Seaboard Corporation.  
Binghamton Gas Works.  
Eastern Pipe Line Co.  
Home Gas Co.  
The Keystone Co.  
Virginia-Gas Distribution Corporation.  
Virginia Gas Transmission Corporation.  
Viking Distributing Co.

*It is further ordered*, That Columbia Gas & Electric Corporation shall not, directly or indirectly, sell or otherwise dispose of any securities, assets or other interests pursuant to the direction of this order unless either (1) a declaration pursuant to Rule U-43 or Rule U-44 with respect thereto shall have been permitted to become effective, if either of such rules shall be applicable; Or (2) Columbia Gas & Electric Corporation shall have given at least ten days' notice of the terms and conditions of such proposed sale or disposition and shall not have received notification from the Commission within said ten-day period that a declaration should be filed with respect to said proposed transaction; or (3) in the event such notification shall have been given by the Commission, the required declaration shall have been filed and permitted to become effective.

*It is further ordered*, That by reason of the sale by Columbia Gas & Electric Corporation of its interest in The Cincinnati, Newport and Covington Railway Company, The Dixie Traction Company and The Licking River Bridge Company, these three companies are hereby dismissed as parties to this proceeding, and it is hereby directed that a letter (and attachments thereto) dated October 18, 1944 from Columbia Gas & Electric Corporation notifying this Commission of such sale be incorporated in and made a part of the record of this proceeding.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18358; Filed, Dec. 4, 1944;  
8:43 a. m.]



[File No. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP.  
(DELAWARE)

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of December, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than December 15, 1944, at 5:30 p. m., e. v. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$1.25 per share, an aggregate of \$1,852,500, on the outstanding shares of its preferred stock. The dividend was declared on November 28, 1944, and is payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to three applications approved by the Commission in 1943 and three applications approved in 1944, covering proposed distributions to preferred stockholders (see Holding Company Act Releases Nos. 4333, June 24, 1943; 4560, September 13, 1943; 4709, November 26, 1943; 4933, March 8, 1944; 5084, June 3, 1944 and 5268, September 5, 1944).

Applicant considers sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18359; Filed, Dec. 4, 1944;  
9:43 a. m.]

[File Nos. 54-39, 54-69, 59-65]

## LACLEDE GAS LIGHT CO., ET AL.

## ORDER APPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 2d day of December, A. D. 1944.

In the matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54-39; Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and subsidiary companies, respondents, File No. 59-65.

Proceedings having been instituted by the Commission pursuant to sections 11 (b) (1), 11 (b) (2), and other applicable sections of the Public Utility Holding Company Act of 1935 with respect to Ogden Corporation ("Ogden"), a registered holding company, and its subsidiary companies (File No. 59-65); the Commission having by order dated May 20, 1943 directed Ogden and subsidiaries to take certain steps therein specified to comply with section 11 (b) of the said act; and declarations and applications for approval of a plan under section 11 (e) and other applicable sections of said act to meet the requirements of section 11 (b) and the said order of May 20, 1943 having been filed by The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), and Phoenix Light, Heat and Power Company ("Phoenix"), subsidiaries of Ogden, and by Ogden (File No. 54-39);

All the foregoing proceedings having been duly consolidated by order of the Commission; hearings having been held after appropriate notice; and the Commission having been fully advised and having entered its findings and opinion on May 24, 1944, and its supplemental findings and order approving the amended plan on May 27, 1944;

The Commission having applied, at the request of the applicants, pursuant to sections 11 (e) and 18 (f) of the act, to the District Court of the United States for the Eastern District of Missouri, Eastern Division, to enforce and carry out the terms and provisions of said amended plan; the said court, in an opinion filed on August 25, 1944, having approved, after appropriate notice and a public hearing before said court, the said amended plan;

The said amended plan, as approved by the Commission and by the said United States District Court, having provided, among other things, for the discharge of Laclede Gas' outstanding First Mortgage Collateral and Refunding 5½% Bonds, Series C and D ("1919 bonds") by the payment in cash of the principal amount thereof together with interest thereon accrued to the effective date of the plan, but without payment of any redemption premiums thereon; the said provisions of the amended plan providing for the discharge of the 1919 bonds by a full payment in cash thereof but without payment of any redemption premiums thereon having been objected to by certain persons appearing before this Commission and before the United States District Court and certain of these objectors having indicated their intention to appeal from any order of the court approving the said portion of the plan;

the applicants having filed on November 18, 1944 with this Commission an amendment dated as of November 16, 1944 to their amended plan providing for the deposit in escrow by Laclede Gas of a sum sufficient to pay the said redemption premiums, and interest thereon for a designated period in order that the applicants might proceed with the prompt consummation of said amended plan without prejudice to any of the holders of the 1919 bonds with respect to the payment of premiums thereon in the event that final judicial determination of the issue of whether the premium is payable should require that such premiums be paid:

A public hearing having been held on said amendment to said amended section 11 (e) plan after appropriate notice, the Commission being fully advised and having entered this day its supplemental findings approving said amendment to said amended section 11 (e) plan.

It is hereby ordered, Subject to the terms and conditions and orders enumerated and contained in the Commission's order dated May 27, 1944;

That, pursuant to section 11 (e) of the act, said amended plan, as amended by the amendment dated as of November 16, 1944 be, and it is hereby, approved; and that the applications and declarations in connection therewith are approved and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18359; Filed, Dec. 4, 1944;  
9:43 a. m.]

[File Nos. 54-103, 59-63, 70-842]

## TIDE WATER POWER CO., ET AL.

NOTICE OF FILING OF AMENDMENTS AND  
ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of December 1944.

In the matters of Tide Water Power Company, File No. 54-103; Tide Water Power Company, Respondent, File No. 59-63; General Gas & Electric Corporation, File No. 70-842.

Notice is hereby given that, pursuant to the provisions of the Public Utility Holding Company Act of 1935, amendments have been filed to the application for approval of a "Plan of recapitalization" ("the plan") and a supplemental application in connection therewith, previously filed by Tide Water Power Company ("the Company"), a subsidiary of General Gas & Electric Corporation, a registered holding company; and

All interested persons are referred to said application and supplemental application, as amended, which are on file in the offices of the Commission for a statement of the transactions as now proposed, which may be summarized as follows:

The plan, as amended, proposes that all of the outstanding First Mortgage 5% Bonds of the company, due 1979, aggregating \$6,065,500 principal amount, shall,

by call for redemption at 104% of the principal amount thereof, be paid off and retired from cash in the treasury and from the proceeds of an interim bank loan in the amount of \$5,500,000, represented by a demand note bearing interest at the rate of approximately 1½% per annum. Such bank loan is to be repaid from the proceeds of the issue and sale, for cash, of \$4,500,000 principal amount of new First Mortgage Bonds, to mature in 1974, and of \$1,000,000 principal amount of new Sinking Fund Debentures maturing in ten years.

It is also proposed in said plan that all of the outstanding 115,789 shares of Common Stock of the Company, held by General Gas & Electric Corporation, and all of the outstanding 23,358 shares of \$6 Preferred Stock shall be retired and cancelled and in exchange therefor there shall be issued 93,893 shares of new Common Stock without par value. Said plan further provides that the holders of the present \$6 Preferred Stock of the Company shall receive four shares of such new Common Stock for each share of \$6 Preferred Stock, including accumulated and unpaid dividends thereon, aggregating \$38 per share at June 30, 1944, and that General Gas & Electric Corporation shall receive 3,461 shares of such new common stock for its present holdings of all the outstanding common stock.

It is further proposed, in conjunction with said plan, to restate the plant and property of the Company on the basis of estimated original cost thereof, to adjust the reserve for retirements (depreciation), to eliminate by charges to earned surplus certain deferred items, including abandoned railway property, appraisal expenses and unamortized debt discount and expense, to eliminate the resulting earned surplus deficit by a charge to capital surplus and to transfer the remaining capital surplus to the stated value of the new common stock.

The plan also proposes that the new First Mortgage Bonds and Sinking Fund Debentures are to be issued and sold through competitive bidding, in accordance with the procedure provided by Rule U-50 of the general rules and regulations of the Commission.

For the purpose of carrying into effect the provisions of the plan, the Company proposes to effect a merger, pursuant to an agreement and act of merger dated September 21, 1944, with Cape Fear Power Corporation, a wholly-owned subsidiary organized for the purpose. Said agreement provides that the subsidiary shall be merged into the Company, which shall continue as the surviving corporation. Said agreement further provides that the present outstanding \$6 Preferred Stock and Common Stock of the Company shall be exchanged for the new common stock on the basis described above. The shares of capital stock of the subsidiary are to be cancelled upon consummation of the merger. The agreement of merger is proposed to be submitted to the stockholders of the Company at a special meeting of stockholders called to be held on December 23, 1944.

Subject to approval of the agreement of merger by the stockholders representing a majority of the outstanding stock entitled to vote, the proposed merger is proposed to be effected prior to or contemporaneously with the bank loan and prior to the public sale of the new First Mortgage Bonds and new Sinking Fund Debentures.

The consummation of the plan is stated by the Company to be dependent upon (1) the plan having been found by the Securities and Exchange Commission to be necessary to effectuate the provisions of section 11 (b) of the act and to be fair and equitable to the persons affected thereby and to have been approved by the Commission; (2) the change and reclassification of the existing Preferred Stock proposed in the plan having become binding upon the holders of all shares of such stock; (3) necessary authorization having been given for the plan and for the issuance of the new stock by regulatory commissions; and (4) a ruling having been made by the appropriate tax authorities to the effect, or the Company having otherwise been satisfied, that the changes in and reclassification of the existing Preferred Stock into Common Stock will not result in the recognition, under the United States Internal Revenue Code, of gain or loss to the present holders of such Preferred Stock.

The Company may, pursuant to section 11 (e) of the act, request the Commission to apply to a Federal court of competent jurisdiction, acting under section 18 of the act, for an order enforcing the plan.

The Commission having heretofore on September 23, 1944, issued its notice of filing of plan under section 11 (e) and order for hearing and consolidation (Holding Company Act Release No. 5309) and hearings having been held on such plan under the applicable provisions of said act and the rules of the Commission; and said hearings having been continued, subject to the call of the Commission or trial examiner; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a further hearing be held with respect to such matters, and that the trial examiner previously designated to preside being engaged in another matter and being unable to preside at said hearing:

*It is ordered*, That the hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be reconvened on December 12, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in said proceedings should notify the Commission in the manner provided by Rule XVII of its rules of practice on or before December 11, 1944.

*It is further ordered*, That William W. Swift, or any other officer or officers of the Commission designated by it for that

purpose, shall preside at the reconvened hearings in such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That, without limiting the scope of the issues presented in said consolidated proceedings, attention will be directed at said reconvened hearing to the following matters and questions:

1. Whether the plan, as amended or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is, in all respects, fair and equitable to the persons affected thereby;

2. The propriety of the proposed accounting treatment on the books of the Company;

3. Whether any fees, expenses and other considerations which may be proposed to be paid in connection with the proposed plan and related transactions, are for necessary services or purposes, reasonable in amount, and properly allocated;

4. Whether, and in what manner, the proposed plan, as amended, should be further modified to ensure adequate protection of the public interest and the interest of investors and consumers and compliance with all applicable provisions of the act and rules thereunder;

5. The appropriateness of conditioning the consummation of the plan upon the absence of any gain or loss, for income tax purposes, to the present holders of Preferred Stock;

6. Whether, in all respects, the provisions of the plan and for the consummation of the transactions incidental and related thereto are not in contravention of the Commission's order dated August 25, 1944, and are in compliance with all the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder.

*It is further ordered*, That notice of this hearing be given to Tide Water Power Company, General Gas & Electric Corporation, and all other interested persons, said notice to be given to Tide Water Power Company and General Gas & Electric Corporation by registered mail, and to all other interested persons by general release of this commission, which shall be distributed to the press and mailed to persons on the mailing list for the releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

*It is further ordered*, That Tide Water Power Company give notice of this hearing by mailing a copy of this Notice and Order to each of the holders of its outstanding \$6 Preferred Stock (insofar as the identity of such security holders is known or available) to his last known address, at least six days prior to the date of December 12, 1944.

*It is further ordered*, That jurisdiction be and hereby is reserved to separate, whether for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions, or matters em-

braced by these proceedings or to consolidate with these proceedings other filings or matters pertaining thereto, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18360; Filed, Dec. 4, 1944;  
9:43 a. m.]

[File Nos. 54-56, 59-33, 70-263, 70-371, 70-387,  
70-430, 70-431]

#### COLUMBIA GAS & ELECTRIC CORP., ET AL.

#### ORDER WITH RESPECT TO PAYMENT OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of December, A. D. 1944.

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, File No. 54-56. In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation, The Ohio Fuel Gas Company, File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, and 70-431.

Columbia Gas & Electric Corporation, a registered holding company, and its subsidiary, Columbia Oil & Gasoline Corporation, having filed applications and declarations under section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935, with respect to plans involving the dissolution of Columbia Oil & Gasoline Corporation;

The Commission having entered orders on January 21, 1942, and October 2, 1942, approving said applications and declarations, subject to certain conditions and reservations, including a reservation of jurisdiction with respect to the payment of fees and expenses incurred in connection with said applications and declarations;

Various applications having been filed requesting approval for fees and expenses incurred in connection with the aforesaid declarations and applications, a hearing having been held thereon after due notice, briefs having been filed, the Commission having considered the record and having made and filed its findings and opinion herein;

*It is ordered*, That the application of Cravath, deGersdorff, Swaine & Wood (now Cravath, Swaine & Moore) requesting approval of payment by Columbia Gas & Electric Corporation of fees aggregating \$47,500 and expenses aggregating \$3,301.63 be, and the same hereby is, granted.

*It is further ordered*, That the application of Johnson & Shores requesting approval of payment by Columbia Gas &

Electric Corporation of fees aggregating \$56,500 and expenses aggregating \$9,374.73 be, and the same hereby is, granted.

*It is further ordered*, That the application of Auchincloss, Alley & Duncan (now Hooker, Alley & Duncan) requesting approval of payment by Columbia Oil & Gasoline Corporation of fees aggregating \$26,024.73 and expenses aggregating \$2,912.43 be, and the same hereby is, granted.

*It is further ordered*, That the application of William H. Button (deceased) requesting approval of payment by Columbia Oil & Gasoline Corporation of fees aggregating \$27,716 and expenses aggregating \$2,719.93 be, and the same hereby is, granted.

*It is further ordered*, That the applications of William H. Danforth, Paul E. Kern, Hays, St. John, Abramson & Schulman, and Abraham L. Pomerantz for approval of fees and expenses be, and the same hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18357; Filed, Dec. 4, 1944;  
9:44 a. m.]

[File No. 812-367]

#### THE ATLANTIC COAST LINE CO. AND ATLANTIC COAST LINE RAILROAD CO.

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of December, A. D. 1944.

The Atlantic Coast Line Company, a registered investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act the proposed sale to Atlantic Coast Line Railroad Company, an affiliated person of the applicant, of \$636,000 principal amount of General First Mortgage 4½ Bonds, due July 1, 1948, of Atlantic Coast Line Railroad Company of South Carolina.

*It is ordered*, Pursuant to section 40 (a) of the said act, that a hearing on the aforesaid application be held on December 8, 1944 at ten o'clock, a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

*It is further ordered*, That Henry G. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceed-

ing may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-18361; Filed, Dec. 4, 1944;  
9:44 a. m.]

#### WAR FOOD ADMINISTRATION.

#### ASSIGNMENT OF PREFERENCE RATINGS TO FARMERS FOR LUMBER

#### DELEGATION OF AUTHORITY

Delegation of authority to the Director, Office of Materials and Facilities, War Food Administration, and to the State and County Agricultural Conservation Committees to assign preference ratings to farmers for lumber.

The authority vested in me by War Production Board Directive 26, as amended, is hereby delegated to the Director of the Office of Materials and Facilities of the War Food Administration and to the State and County Agricultural Conservation Committees. In exercising such authority, the State and County Agricultural Conservation Committees shall be subject to the supervision of the Director of the Office of Materials and Facilities and to such regulations or instructions as he may from time to time issue.

The delegation of authority entitled "Delegation of authority to the Deputy Administrator in charge of the Office of Materials and Facilities of the War Food Administration and to the State and County USDA War Boards to assign preference ratings to farmers for soft wood lumber," issued June 21, 1943 (3 F.R. 8632), is hereby revoked.

(WPB Dir. 26, 3 F.R. 8053, 9 F.R. 7048)

Issued this 2d day of December 1944.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 44-18367; Filed, Dec. 4, 1944;  
11:22 a. m.]

#### ASSIGNMENT OF PREFERENCE RATINGS TO FARMERS FOR INTERNAL COMBUSTION ENGINES FOR FARM USE

#### DELEGATION OF AUTHORITY

Delegation of authority to the Director, Office of Materials and Facilities, War Food Administration, and to the State and County Agricultural Conservation Committees to assign preference ratings for internal combustion engines for farm use.

The authority vested in me by War Production Board Directive 23 to assign preference ratings to farmers and to persons operating farm equipment for hire on farms is hereby delegated to the Director of the Office of Materials and Facilities of the War Food Administration and to the State and County Agricultural Conservation Committees. In exercising such authority, the State and County

Agricultural Conservation Committees shall be subject to the supervision of the Director of the Office of Materials and Facilities and to such regulations or instructions as he may from time to time issue.

The delegation of authority entitled "Delegation of authority to the Deputy Administrator in charge of the Office of Materials and Facilities of the War Food Administration, the State and County USDA War Boards and the County Farm Rationing Committees to assign preference ratings for internal combustion engines for farm use", issued August 23, 1943 (8 F.R. 11710), is hereby revoked. (WPB Dir. 28, 8 F.R. 11021)

Issued this 2d day of December 1944.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 44-18368; Filed, Dec. 4, 1944;  
11:22 a. m.]

#### WAR SHIPPING ADMINISTRATION.

##### "SIREN"

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3

(b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on June 16, 1943 title to the vessel "Siren" (216081) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

[SEAL]

E. S. LAND,  
Administrator.

NOVEMBER 30, 1944.

[F. R. Doc. 44-18309; Filed, Dec. 2, 1944;  
11:33 a. m.]